

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40318-2017(O&M)

Date of decision:-3.5.2018

Parmod Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.R.S. Bhatta, Advocate
for the petitioner.

Mr.Sulinder Kumar, AAG, Haryana
for the respondent No.1 -State.

Mr.Ashok Kumar Khumber, Advocate
for the complainant – respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.109 dated 31.3.2017, under Section 420 IPC, registered at Police Station Farakpur, District Yamuna Nagar has been filed by petitioner – Parmod Kumar.

According to the petitioner, the present FIR has been got registered on a complaint of Inderjeet Kumar levelling allegations that

petitioner has got a Government job and benefits of Government Welfare Schemes meant for persons belonging to scheduled castes on the basis of fake Schedule Caste Certificate No.500 dated 7.4.1998; however prior to that an FIR No.36 dated 30.1.2017 for the offence under Section 420 IPC was registered against the petitioner by the same complainant Inderjeet Kumar on the same allegations with Police Station Farakpur, District Yamuna Nagar; that challan in FIR No.36 dated 30.1.2017 has been presented after the unexplained delay of six months on 21.7.2017, though charge has not been framed against the petitioner till date. According to the petitioner, two FIRs regarding the same occurrence cannot be registered and it rather amounts to abuse of process of law, therefore, the FIR No.109 dated 31.3.2017, under Section 420 IPC, registered at Police Station Farakpur, District Yamuna Nagar and all subsequent proceedings arising therefrom be quashed.

On notice the respondent No.1 – State appeared through counsel. In the written reply submitted on behalf of respondent No.1 – State, it is submitted that the complainant Inderjeet Kumar had submitted a complaint to Superintendent of Police, Yamuna Nagar for taking legal action against petitioner, whose father namely Nageshwar Parshad had forged a Scheduled Caste Certificate vide No.1700 dated 19.11.1997 got issued from the office of SDO(Civil), Jagadhri; in respect of that certificate, when information was sought from the office of SDO(Civil), Jagadhri, it was informed that no such certificate had been issued in favour of the petitioner Parmod Kumar but the petitioner got admission in Government Polytechnic, Narnaul on the basis of said caste certificate dated 19.11.1997. According to the complainant, the

petitioner belongs to KOERI caste, which falls under the category of OBC in Bihar State but while applying for caste certificate in Haryana State, the petitioner moved an application by showing his caste as KORI, which falls in the category of scheduled caste; that in the application submitted in the office of SDO(Civil), Jagadhri, the petitioner had mentioned his caste as KORI in place of KOERI and had got issued caste certificate though he does not belong to KORI caste; that on the basis of said complaint, FIR No.36 dated 30.1.2017 under Section 420 IPC was registered with Police Station Farakpur; that after registration of the FIR, when the matter was investigated, it came out that the office of SDO(Civil), Jagadhri had not issued any caste certificate in favour of the petitioner, therefore, offences under Sections 467, 468 and 471 IPC were added since father of the petitioner had forged the documents; that the petitioner was formally arrested on 26.2.2017 as he was granted anticipatory bail by Sessions Judge, Yamuna Nagar at Jagadhri for the reason that at the time of offence, the petitioner was a juvenile; that after completion of investigation, final report under Section 173 Cr.P.C. has been submitted before the Illaqa Magistrate on 21.7.2017 and charge has since been framed against the petitioner. It is further submitted that the complainant Inderjeet Kumar had made another complaint to Director General of Police for taking legal action against the petitioner alleging therein that on the basis of Scheduled Caste Certificate issued vide No.500 dated 7.4.1998, the petitioner had got post of Junior Engineer in UHBVN; that earlier father of petitioner had forged KORI caste certificate which is allegedly issued at Sr.No.1700 dated 19.11.1997 but later on it was found that said

certificate had not been issued from the office of SDO(Civil), Jagadhri and FIR No.36 dated 30.1.2017 was registered; that on the basis of said certificate allegedly issued on Sr.No.1700 dated 19.11.1997, the father of the petitioner had got issued another Scheduled Caste Certificate on 7.4.1998 bearing No.500; that on the basis of said scheduled caste certificate, the petitioner had got job as J.E. In UHBVN; that when this certificate was scrutinized by the inquiry committee, it was found that said certificate is wrong and the petitioner was not entitled to get issued Scheduled Caste Certificate since he does not belong to KORI caste, therefore, the Scheduled Caste Certificate issued at Sr.No.500 dated 7.4.1998 in favour of the petitioner was cancelled, in that way the petitioner had wrongly and illegally got post of J.E. On the basis of said scheduled caste certificate, therefore FIR no.109 dated 31.3.2017, under Section 420 IPC was registered at Police Station Farakpur. According to such respondent, both the cases had been registered on the basis of different allegations. Refuting the remaining allegations, such respondent prays for dismissal of the petition.

Reply by respondent No.2 – Inderjit Kumar is almost on the similar lines as that of respondent No.1.

I have heard learned counsel for the parties besides going through the record.

I find that two FIRs are registered are not on identical facts though it can be said that the facts are interconnected. Therefore, I do not find any bar in recording of second FIR and no ground is made out to quash the second FIR. The petition filed is misconceived and is doomed for failure.

I do not see any reason to allow the instant petition.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

3.5.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No