

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

**CRM No.M-47004 of 2017 (O&M)
Date of Decision: August 09, 2018**

Kamal Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Rai, Senior Advocate with
Ms.Rubina, Advocate
for the petitioner.

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.112 dated 27.10.2016 under Sections 120-B, 379, 407, 409, 411, 420 IPC, Section 13 of the Prevention of Corruption Act and Sections 136 and 137 of the Electricity Act, 2003 registered at Police Station Dhand, District Kaithal and all the subsequent proceedings arising therefrom.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been

registered on the basis of complaint of Bijender Singh Narwal, XEN/Sect. CGRF, Kurukshetra. It is in the FIR that Bijender Singh Narwal along with his team, conducted a raid on Raman Rice Mill, Pundri Road, Dhand, in the presence of SDO and XEN. During raid, huge numbers of transformers, cables of various sizes, conductors, meters, transformer oil, clumps and allied materials were found. Raman Kumar, owner of the Mill, told that aforesaid material belong to Kuldeep Kumar (LM) Area Incharge and Jagdish (AFM). It is also in the FIR that above-said material has been got stocked by Raman Kumar in association with Jagdish and Kuldeep, in illegal manner, which might be a stolen property or has been got issued from the store fraudulently. Videography was done at the spot.

The case is at preliminary stage. From the perusal of the FIR, it cannot be held that no cognizable offence is made out. The articles belonging to Electricity Department were found stored at a private place in large quantity. During investigation, co-accused Raman Kumar made disclosure that three transformers were sold to present petitioner Kamal Kumar, which as per statement of learned State counsel, have been recovered in another FIR. At this stage, this Court is not to give the finding of act. As per learned State counsel, the investigation is complete and final report has been prepared but the same has not been presented so far, before the Court.

Learned State counsel also argued that registration of FIR is not an encyclopedia of the case and it is for the Investigating Officer to investigate the case and then to submit final report. As per the reply filed by the State, present petitioner Kamal Kumar was arrested in this case and he

electric transformer from accused Raman Kumar.

At this stage, there is no cogent material on record from which it can be held that accused has been falsely implicated in the present case. There is also nothing on record, at this stage, to show that registration of present FIR is abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

August 09, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No