

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

CRM-661-2018 and
CRM-M-9854 of 2017
Date of Decision: 14.09.2018

Shalesh Bhai Dahya Bhai Patel & ors.

....Petitioners

Versus

Dharmender Kumar & anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. SR Kheskani, Advocate, for
Mr. B.S. Badhran, Advocate, for the petitioners.

Mr. Gourav Jain, Advocate, for respondent No.1.

Mr. A.S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Mr. Gourav Jain, Advocate, appears for respondent No.1 and has filed his Vakalatnama, in Court today. The same is taken on record. Office to tag the same at the appropriate place.

Through CRM-661-2018, prayer has been made for staying further investigation/proceedings in FIR No.0036, dated 08.02.2017, registered under Sections 406/420/467/471 IPC, at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioners *inter alia* contends that lodging of the aforesaid FIR by complainant-respondent No.1 against petitioners is his blackmailing device, who, after losing battle on all counts, with mala fide intention and ulterior motive has falsely got lodged the same.

Petitioner No.1 is around 77 years old and a heart patient, whereas

Petitioner No.2 is 46 years old lady. The civil suit filed by respondent No.1

against the petitioner has already been dismissed vide order dated 15.05.2017 (Annexure P-9). In appeal against the same, respondent No.1 remained unsuccessful as the same was also dismissed on 08.12.2017 by the First Appellate Court vide judgment Annexure P-10. Contrary to it, suit for recovery filed by the petitioners for recovery of Rs.31,14,052/- against respondent No.1 has been decreed by the Civil Court on 17.06.2007. His miscellaneous application against the said judgment and decree(Annexure P-11), has also been dismissed by the Gujarat High court.

Taking into account the above factual aspect of the case, it is evident on record that aforesaid FIR lodged by respondent No.1 against the petitioners is false.

Consequently, the petition is allowed. FIR No.0036, dated 08.02.2017 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed.

14.09.2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No