

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

**CRM-11004-2016 in/and
CRA-S-1320-SB-2016 (O&M)
Date of decision : 14.01.2019**

H.S.Sodhi

..... Appellant

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. IPS Kohli, Advocate
for the applicant-appellant.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

Mr. N.S.Sodhi, Advocate
for respondents No.2 & 3.

AJAY TEWARI, J. (Oral)

CRM-11004-2016

For the reasons recorded, the application is allowed. Delay of
231 days in filing the criminal appeal is condoned.

CRA-S-1320-SB-2016

This appeal has been filed against the dismissal of application
under Section 340 Cr.P.C.

The allegations are that the applicant-appellant had got lodged
an FIR No.126 of 2012 registered at Police Station, Ferozepur Cantt. under
Sections 420/380/120-B/465/467/468 and 471 IPC against the accused

persons and at different times before different Courts the respondents-accused persons were trying to seek relief without mentioning all the sections. It has been argued that apart from other facts one glaring fact is that the respondents-accused persons had filed a quashing petition in this Court and one of the reasons which weighed with this Court for dismissing the quashing petition was the fact that they had not disclosed all the sections in the petition and in these circumstances, the Court should not have dismissed the application under Section 340 Cr.P.C. without even an inquiry.

On the other hand counsel for the respondents points out that originally the FIR was under Sections 420/120-B and 380 IPC and subsequently Sections 465/467/468/471 IPC were also added.

Counsel for the applicant-appellant states that these offences fall within Chapter XVIII of the IPC which contains offences related to documents and to property marks. Out of the Sections subsequently added in the FIR the most serious is Section 467 IPC which talks of forgery of such a serious document that the punishment is upto life imprisonment whereas Sections 465/468/471/380 IPC are much lesser offences (also dealing with forgery). As per learned counsel for the applicant-appellant since those sections were added subsequently, inadvertently some of them were not mentioned in the FIR but the grave offence i.e. Section 467 IPC was duly mentioned. The order of the trial Court is a well considered order.

I find that the order does not suffer from any infirmity.

Appeal stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

14.01.2019
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No