

260

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

**CRM-M-12477-2014
Date of decision-15.10.2019**

Guriqbal Singh

...Petitioner

Vs.

Surinder Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naresh Prabhakar, Advocate for the petitioner.

Mr. Harkaran Singh, Advocate for
Mr. B.S.Bhalla, Advocate for respondent No.1.

MANOJ BAJAJ, J. (Oral)

Petitioner-Guriqbal Singh has filed this petition under Section 482 Cr.P.C for quashing the criminal complaint No.RT-11 dated 13/15.01.2007 (Annexure P-1) titled as “Surinder Kaur Vs. Sukhjit Singh etc” under Sections 406, 420, 493, 495, 496 and 120-B of Indian Penal Code, 1860 as well as the summoning order dated 30.09.2011 (Annexure P-4).

Learned counsel for the petitioner in support of the petition has raised the sole argument that the complainant has concealed the fact that on the same subject the case FIR No.312 dated 21.09.2006 under Sections 406, 420 and 120-B IPC already stood registered against the petitioner in the year

2006. He submits that since this is material concealment, therefore, the complaint deserves to be quashed. He has further placed reliance upon the judgments passed by this Court in CRM-M-34104-2003, titled as “***Baldev Singh Vs. State of Punjab and another***”, 2006 (1) R.C.R (Criminal) 119 and another judgment passed in CRM-14703-2000 in CRM-27782-M-1999, titled as “***Richa Sharma @ Happy Vs. State of Punjab***”, 2000 (1) R.C.R. (Criminal) 438.

During the course of argument, it is not disputed by learned counsel for the petitioner that the trial in respect of the co-accused of the petitioner has ended. He submits that some of the accused have been convicted whereas others have been acquitted, however, the learned counsel is unable to furnish the details of those accused. He further does not dispute this fact that the petitioner was declared proclaimed offender.

After hearing learned counsel for the petitioner, this Court does not find any merit in the argument raised by learned counsel, as the complaint has already been entertained and trial has been completed in respect of co-accused. The judgments relied upon by learned counsel for the petitioner are clearly distinguishable on facts and are not attracted in the present case. In Richa Sharma's case, this Court had noticed that the averment made was misleading and the Court had denied the hearing to the petitioner. In the other case, the complainant had concealed the factum of first complaint which was withdrawn by him and therefore, on the ground of concealment, second complaint was not entertained. In the present case, it is specifically mentioned that the Police has not taken any action on the

complaint of the complainant, therefore, it cannot be construed as a case of concealment. Learned counsel for the petitioner is unable to point out the fate of FIR No.312 dated 21.09.2006, therefore, in the totality of the facts and circumstances of this case, no ground is made out for invoking the inherent powers under Section 482 Cr.P.C.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

15.10.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No