

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: November 28, 2019

(i) CRM-M-17800-2012

Vijay Anand and anotherPetitioners

Versus

State of Haryana and anotherRespondents

Present: Mr. Aman Pal, Advocate, for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Mohan Singla, Advocate, for respondent No.2.

(ii) CRM-M-6041-2013

Anil VermaPetitioner

Versus

State of Haryana and anotherRespondents

Present: Mr. Jai Vir Yadav, Advocate, and
Mr. Tapan Kumar, Advocate, for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Mohan Singla, Advocate, for respondent No.2.

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Harnaresh Singh Gill, J.

This order shall dispose of the above mentioned two cases as the prayer made therein is common i.e. for quashing of the FIR No.269 dated 8.10.2008 under Sections 420, 468, 471, 418, 167, 120-B, 34 IPC registered at Police Station City Tohana, District Fatehabad, and all consequential proceedings arising therefrom. Besides, the petitioners in CRM-M-6041-2013 has also made a prayer for quashing the order dated 9.1.2013

passed by the Sub Divisional Judicial Magistrate, Tohana, whereby the charges have been framed against the petitioners under Sections 420, 167, 468, 471, 418 read with Section 34 IPC.

Respondent No.2-Raj Kumar Garg (complainant) got the aforesaid FIR registered with the allegations that he had purchased the units of LIC named 'Market Plus' in the name of his wife Smt. Poonam Garg for an amount of Rs.1,00,000/- through accused Anil Verma, Development Officer of the LIC of India, Tohana; that the proposal form of the LIC did contain no terms and conditions regarding deduction of any expenses from the principal amount; that the accused had issued to the complainant's wife ten receipts and ten policies of Rs.10,000/- each; that the accused had no authority to do so as only one policy was to be issued; that the accused had prepared the forged documents i.e. 9 proposal forms against one original form to benefit themselves; that the LIC of India had caused loss of about Rs.2000/- per policy to the policy holder in the whole period of the policy and thus committed the offences under Sections 420, 168, 471, 118, 167, 120-B, 34 IPC.

The assertions of the petitioners in CRM-M-17800-2012 are that originally they were not named in the FIR, but their names surfaced during the investigation; that they are not beneficiaries of the policies and that they were indicted in the case three years after the registration of the FIR.

In CRM-M-6041-2013 filed by petitioner –Anil Verma, Development Officer of the LIC of India, it is averred that a pure

civil dispute has been converted by the complainant in a criminal dispute; that the policy holder (i.e. wife of the complainant) had filed a complaint under Section 12 of the Consumer Protection Act, 1986 before the District Consumer Disputes Redressal Forum, Fatehabad (for short 'the District Forum'). The said complaint was allowed vide order dated 4.12.2008 passed by the District Forum with a direction to the LIC of India to pay the complainant a sum of Rs.1,00,000/- from the date when 10 policies had been issued to her and that the said order stands complied with and the amount so directed stands paid. It is, thus, asserted that the registration of the FIR on the same cause of action, is nothing but an abuse of process of law. It is further averred that though said pleas were taken before the learned trial Court, yet the learned trial Court proceeded with the framing of the charges against the petitioners vide order dated 9.1.2013.

During the course of hearing, the factum of filing of the complaint before the District Forum; the order dated 4.12.2008 passed thereon and payment of the awarded amount of Rs.1,00,000/- has not been disputed by the learned counsel appearing for the complainant-respondent.

I am of the opinion that issuance of multiple policies instead of one, is a deficiency in service, for which the wife of the complainant had already filed a complaint (supra) before the District Forum and she stood awarded and paid the due compensation. Thus, continuing with the present proceedings, would amount to a futile exercise, especially when it could not

be pointed out as to how and in which manner, the petitioners had connived with each other with their common intentions to play a fraud or acted to cheat the complainant-respondent and/or cause his wife the wrongful loss. However, taking into consideration that the complainant-respondent has been defending the present proceedings before this Court in the present petitions filed at the instance of the petitioners, who are the employees of LIC of India, it would be just and appropriate if LIC of India on the principle of vicarious liability, is directed to pay an amount of Rs.1.00 lac as costs to the complainant-respondent.

In view of the above, both the petitions are allowed; FIR No.269 dated 8.10.2008 registered under Sections 420, 468, 471, 418, 167, 120-B, 34 IPC at Police Station City Tohana and the order dated 9.1.2013 passed by the Sub Divisional Judicial Magistrate, Tohana, along with all the consequential proceedings arising therefrom, are hereby quashed. However, LIC of India, is directed to pay to the complainant-respondent costs of Rs.1.00 lac within a period of one month from today. It is made clear that failing to comply with the costs part of the order, would amount to automatic dismissal of the present petitions.

(HARNARESH SINGH GILL)
JUDGE

November 28, 2019
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No