

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24365 of 2016

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Date of decision:05.04.2019

Sant Baldev Singh Rathor

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Yowan Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying
for quashing of FIR No.167 dated 13.7.2015 registered for the offences
under Sections 420, 464, 170 and 473 IPC and all subsequent proceedings
arising therefrom.

Notice of motion was issued in this case.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General,
Punjab has appeared on behalf of the respondent-State and contested this
petition.

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

In the present case challan has already been presented and
charges have not been framed so far. The FIR in the present case was got

registered by SI Anoop Kumar against Sant Baldev Singh alias Rathor on the basis of letter dated 13.4.2015, which is as under:-

“It is submitted that a letter is received through RTI Branch's letter No.2319/CPC dt. 13.4.15. The letter was written on letter pad engrossed with Anti Crime Bureau under Ministry of Home Affairs, New Delhi (letter No.2011/8/2014/COORD-11 Section) dt. 12.11.14, Founder and Chairman Sant Baldev Singh Rathor.

Through this letter detailed information of Arms License Branch is asked for regarding issuance of licenses between 1.1.14 to 31.4.14 including list of license holders name, father's name, full name, contact no., prescribed fee, period of limitation and documents for issuance of license. This letter was presented before the Deputy Commissioner who asked for the verification report regarding the registration of the said organization through letter no.468/MD-LIUC dt. 15.4.15 addressed to Joint Secretary (Coordination) Ministry of Home Affairs. In reply to this letter, a letter 20011/55/2015-lord.11 Govt. of India, Ministry of Home affairs, Coordination Section dt. 23.4.15 was received, in which it was clarified that neither Anti Crime Bureau is registered with the Ministry of Home Affairs nor it is recognized. Reference of letter number under Ministry of Home Affairs is just forwarding letter. This letter pad organization has made a wrong and false claim regarding recognition of the same. Ministry of Home Affairs has

suggested the required inquiry of the said issue and has also ordered to be informed. Necessary documents are placed on record and presented before you for required action.

Correct – Anoop Kumar SI B-5-15 In-charge Arms License Branch Amritsar. Inquiry of the above said letter is marked by Commissioner of Police and sent to ADCP-City-2 Amritsar for report. After inquiry ADCP-City-2 Amritsar has said in his report that after perusal of the documents attached with letter it is found that letter No.ACB/RTI/4072/2015 dt. 10.4.15, RTI Branch was received on letter pad of Anti Crime Bureau on which Anti Crime Bureau, under Govt. of India Ministry of Home Affairs New Delhi vide letter No.20011/8/2014/COORD-11 Section dt. 12.11.14 Founder and Chairman Sant Baldev Singh is written. Therefore, if it is permitted then before starting any legal action and after obtaining opinion of DA legal, necessary directions may kindly be given to SHO, P.S. Sadar Amritsar. Report is present for appropriate orders. ADCP City – 2 Amritsar after inquiry of above letter has sent for opinion of DA legal to Commissioner of Police Amritsar Cantonment of Police. Pls. Sd/- Commissioner of Police Amritsar 9.7.15. In reply DA legal has opined that Respected Sir, In my opinion prima facie case under Sections 420, 464, 170, 473 IPC is made out is approved. Sd/- DA Legal 13.7.15. On this opinion Commissioner of Police City Amritsar, has written, Approved for Sd/- Commissioner of Police Asr.

13.7.15, SHO/Cantonment.”

Learned counsel for the petitioner argued that no cognizable offence is made out from the perusal of the FIR and the registration of the FIR is nothing but an abuse of process of law which amounts to miscarriage of justice as the petitioner has not committed any offence. The accused is a NGO and simply asked for the RTI information.

After going through the record and after hearing learned counsel for the parties, I find that, in no way, it can be held that the accused-petitioner has not committed any offence. The accused has written the letter showing as Anti Crime Bureau under Government of India, Ministry of Home Affairs, New Delhi, which itself shows that complainant is representing that his concern is Anti Crime Bureau and under the Government of India, Ministry of Home Affairs. He has asked for very crucial information from the Deputy Commissioner as alleged by misleading and by impersonating as a Government agency which on verification was not found registered. After the investigation, the challan has been presented by the Police.

Learned counsel for the petitioner argued that the petitioner has no where represented or tried to impersonate as a Government Agency or working under the Ministry of Home Affairs of the Central Government, whereas the learned State counsel contested this fact.

It is settled law that the findings of fact cannot be given in a petition filed for quashing the FIR. The findings of fact can only be given by the trial Court on the basis of evidence. As the parties contesting the disputed facts which are to be determined by the trial Court and findings of

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fact cannot be given by this Court, therefore, finding no merit in this petition, the same is dismissed.

April 05, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No