

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

CRM-M No.14811 of 2019
Date of decision: 1st April, 2019

Vishal Mahadevan Chouhan @ Vishal Mahadev Chavan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jagan Nath Bhandari, Advocate for the petitioner.

FATEH DEEP SINGH, J.

This petition by petitioner Vishal Mahadevan Chouhan alias Vishal Mahadev Chavan under Section 482 Cr.P.C. has sought quashment of FIR No.172 dated 22.08.2018 under Sections 363 and 366 IPC pertaining to Police Station Matour, District SAS Nagar, Punjab (Annexure P1) on merits. The claim of the petitioner is based on the ground that subsequently another FIR No.178 dated 28.08.2018 under Sections 454, 480 and 120-B IPC (Annexure P2) has been registered against him at the same very Police Station Matour, District SAS Nagar and therefore being on the same cause of action by the same complainant for similar offences was clearly an abuse of the process of the Court.

Upon hearing Mr. Jagan Nath Bhandari, Advocate for the petitioner and perusal of the records. The FIR (Annexure P1) has been got registered by the complainant Shalender Kumar Singh against the present petitioner for having abducted his wife, who has enticed and

managed to kidnap her with the dishonest intention of effecting a marriage. The occurrence in this case pertains to 06.08.2018. The second FIR (Annexure P2) is regarding allegations though levelled by the same very complainant, but are in respect of hatching of a criminal conspiracy by his wife Anjali, her brother Manish Kumar and Arun Kumar Singh, and in his absence having in furtherance of this criminal conspiracy broke open into his house and stolen his belongings consisting of gold articles, cash etc. including household goods valued at Rs.10.00 lacs. The occurrence in this case pertains to 15 days prior to the date of the complaint i.e. 28.08.2018. Thus, from this all, it is abundantly clear that the accused, the date of occurrence, the place of occurrence and the allegations in both the FIRs (Annexures P1 and P2) are poles apart. The learned counsel for the petitioner could not convince this Court how and by what means, as has been argued by him, both these FIRs pertain to the same very occurrence. The two incidents and occurrences are quite distinct from each other. Moreover, it is a matter of evidence which can only be adduced at the trial to come to a conclusion as per the claim of the petitioner. Thus, finding no merit, the petition stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 1, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No