

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-36690-2016(O & M)
Date of Decision:02.07.2019

SANJAY MADAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.106 dated 10.06.2016 under Sections 420/467/468/471/120-B IPC registered at Police Station Bhargo Camp, District Jalandhar.

According to the complainant namely Vijay Kumar, a cheque bearing No.000029 belonging to his account was lost on 28.03.2014 and report in this regard was given to the police. Later on, the complainant came to know that it were accused Nos.1 and 2, who connived with accused No.3 and had stolen the said cheque from his taxi on 28.03.2014. Further it was alleged that the said cheque was put to misuse and by forging the same, it was utilized to derive benefit. On the basis of this, the FIR was registered. Notice of motion in the petition was issued on 17.10.2016. However, no reply has been filed by State of Punjab till date. It needs to be noticed here that even the complainant was not arrayed as a respondent in the present

petition.

Learned counsel for the petitioner contends that on the subject cheque a complaint under Section 138 of the Negotiable Instruments Act, 1881 already stood filed by petitioner on 01.07.2014 and the copy of the same is Annexure P-2. It is contended that the said complaint has ended in conviction of complainant Vijay Kumar and against the said judgment of conviction and order of sentence, the appeal is pending before the Appellate Court.

Learned counsel for the petitioner is unable to apprise the Court that as to whether the allegations as contained in the FIR were set up in defence evidence in the said complaint case as the judgment of conviction is not with him. It is also conceded that after conclusion of investigation, the final report stands filed before the Appellate Court and the case is pending for framing of charges.

In view of the above, this Court does not find any valid reason to invoke the inherent powers under Section 482 Cr.P.C. for lack of complete material. However, it shall be open case of the petitioner to raise all these issues before the Appellate Court.

Disposed off.

02.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No