

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

CRM-M-40114 of 2014

Amitava Chakrabati

.....Petitioner

Versus

UT, Chandigarh and Ors.

.....Respondents

Date of decision: 17.07.2019

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate for the petitioner.

Mr. A.K Goyal, APP for UT, Chandigarh.

Mr. R.S. Ghuman, Advocate for respondent No.5.

RAJIV SHARMA,J

Prayer is for quashing FIR No.210 dated 29.5.2013 under
Sections 406,408 IPC, P.S Sector 11, Chandigarh.

The FIR was lodged against the petitioner on 29.5.2013 at the
instance of respondent No.6-Dr. Nusrat Shafiq. During the pendency of this
petition, a status report by way of affidavit of Sub-Inspector Eram Rizvi,
Police Post, PGI was filed on behalf of respondent Nos.1 to 4. According to
the averments contained in the affidavit, the specimen of
handwriting/signatures of the petitioner were taken after getting permission
from the Judicial Magistrate, Ist Class, Chandigarh. These specimen
signatures of the petitioner were deposited with the Director Central
Forensic Science Laboratory, Shimla, on 04.06.2014. The final result was
received with the opinion/report of C.F.S.L Railway Board Building,

Shimla on 28.1.2015, which read as under:

“That initials in the Red enclosed portion stamped and marked Q1+Q2 do not agree in model and design with the initial & signatures in the Blue enclosed portion similarly stamped and marked S1 to S13, A1, A2/1 to A2/193, A3, A3/1 and A4 to A7.”

Thus, as per the aforesaid report, the alleged signatures on the delivery sheet of the company did not match with the specimen signatures received during investigation. Thereafter, a request was sent to Senior Officer on 11.2.2015 to submit an untraced report in the concerned court. It is averred in the affidavit that the untraced report could not be presented in view of order dated 20.3.2015 passed by this Court vide which filing of challan/report was stayed.

However, the fact of the matter is that as per the report received from C.F.S.L Railway Board Building, Shimla, only untraced report is required to be presented.

In the light of facts enumerated hereinabove especially in view of report dated 28.1.2015, present petition is allowed and FIR No.210 dated 29.5.2013 under Sections 406,408 IPC, P.S Sector 11, Chandigarh is quashed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 17, 2019
manoj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No