

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

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CRM-M-21238-2019 (O & M)
Date of Decision:10.05.2019

Lachhman Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.S. Sidhu, Advocate
for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.76 dated 21.03.2015 under Sections 420, 465 and 471 IPC registered at Police Station, Division No.5, Ludhiana as well as Challan under Section 173 Cr.P.C. dated 17.11.2016 and charge-sheet dated 01.08.2017.

The FIR was registered on the allegations that the petitioner has utilized the forged degree of his qualification to obtain a job. According to him, there is no such degree or certificate with the prosecution and, therefore, they have no foundation to prosecute the petitioner.

Learned counsel for the petitioner does not dispute that in the final report submitted under Section 173 Cr.P.C. (Annexure P-4), it is specifically mentioned that the sufficient evidence has been collected to file the challan against accused-Lachhman Singh. Challan was prepared after

getting verification of the alleged document from the Registrar, Panjab University. The statement of the witnesses and evidence were also produced before the Court along with the challan. Pursuant to that, charges were framed on 01.08.2017. It is fairly stated by learned counsel for the petitioner that the prosecution has examined 4 witnesses and the defence has also cross-examined them. Since the trial of the case is in progress, it would not be appropriate for this Court to exercise the powers under Section 482 Cr.P.C. to deprive the prosecution abruptly from discharging the onus in the impugned FIR.

At this stage, learned counsel for the petitioner has relied upon the judgment passed by Himachal Pradesh High Court in the case of **State of Himachal Pradesh vs. Singhi Ram and others, 2017 (3) ILR (H.P.) 820**. It was a case where the State had preferred the petition for challenging the order passed by the trial Court dismissing the application under Section 321 Cr.P.C. for withdrawal from prosecution. The High Court had proceeded to allow the case on the ground that the prosecution itself is doubtful about the success of the case and, therefore, proceeded to accept the application moved by the prosecution for withdrawal of the prosecution. Whereas in the present case, the facts are entirely different as the accused has preferred this petition for quashing of the proceedings and that too at a stage when the prosecution has already examined 4 witnesses. Similarly, he has relied upon three more judgments i.e. **Satish Mehra versus State of N.C.T. of Delhi and another, 2013 (2) RCR (Criminal) 883; Harjinder Kaur and others versus State of Punjab, 2004 (4) RCR (Criminal) 332 and Rakesh Kumar and others versus State of Punjab and others, 2009**

(2) RCR (Criminal) 565, which relate to the matrimonial dispute and may not be helpful in peculiar facts and circumstances of the case.

In view of the above, no ground is made out for invoking the inherent powers under Section 482 Cr.P.C.

Dismissed.

10.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No