

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

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**CRM-M no. 28242 of 2019
Date of Decision : 25.9.2019**

Nischal Jain

.....Petitioner

v.

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : None for the petitioner

Ms. Ruchika Sabharwal, DAG, Punjab

Amol Rattan Singh, J. (Oral)

By this petition the petitioner seeks quashing of FIR no. 238 dated 2.9.2018, registered at Police Station Division no.6, Jalandhar, alleging therein the commission of offences punishable under Sections 406 and 420 of the IPC.

When the petition had initially come up for hearing, none had appeared for the petitioner on 5.7.2019 and again on 10.7.2019.

On 24.7.2019 the following order was passed by this Court :-

“Learned counsel for the petitioner submits that as a matter of fact both the orders placed by the company which the complainant (respondent no.2) is stated to represent, i.e. M/s Power Trans Engineering, GTB Nagar, Jalandhar, on 24.05.2016 and 01.10.2016, were cancelled vide a communication dated 14.03.2017 (Annexure P-5).

However, upon query to the learned counsel for the petitioner (in terms of what is stated in the FIR), he submits that some material was supplied in terms of the order dated 01.10.2016, as per the request of the purchasing company/firm because of the fact that by October 1, 2016, the rates of the steel had dropped since the first the time that the first order was placed in May 2016.

All details with regard to the material supplied and the

advance payments made by the company of the complainant, be placed on record.

Adjourned to 09.08.2019.

It is made clear that, naturally, with no notice of motion having been issued, there is no interim order operating in favour of the petitioner at this stage.”

Thereafter, on 9.8.2019, none had appeared for the petitioner, with the order passed earlier on 24.7.2019 duly noticed in the order passed on 9.8.2019, to observe that no such material as was required to be placed on record to show the bona fides of the stand of the petitioner, had been placed on record.

Today, the situation is no different, with none present for the petitioner again.

Dismissed for non-prosecution, with this Court to observe that otherwise also I see no reason to quash the FIR in question even on merits. However, no observation made hereinabove or in the previous orders would affect the actual merits of the case, which naturally would go as per the evidence gathered during investigation, and led in trial (if it comes to that stage).

(AMOL RATTAN SINGH)
JUDGE

25.9.2019

Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No