

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29678-2019 (O&M)

Date of Decision:-16.7.2019

Shree Bhagwan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lokesh Vohra, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking quashing of FIR No.0327 dated 19.8.2017 registered at Police Station Dadri City, Charkhi Dadri under Sections 420, 467, 468 and 471 of Indian Penal Code, 1860.

In nutshell, the allegations are to the effect that the petitioner, while applying for electricity connection furnished an affidavit, wherein he deposed that he was owner of the property in question, whereas infact he was not the owner.

The learned counsel for the petitioner has submitted that affidavit dated 22.4.2004 (Annexure P-3) as furnished by the petitioner at the time of applying for electricity connection was executed in a standard format as prescribed by the Electricity Department and that infact Vishnu

Kumar, General Power of Attorney of the owner of the property in question, had no objection for installation of an electricity connection. The learned counsel, in this context, has drawn the attention of this Court to an application and agreement form dated 19.3.2004 (Annexure P-2), wherein a specific note has been mentioned that the shop is mortgaged with Sh. Bhagwan and the said note is duly signed by Vishnu Kumar, who is being referred to by the petitioner as General Power of Attorney of the owner of property in question. The learned counsel has submitted that infact the present FIR came to be lodged solely for the purpose of pressurizing the petitioner as civil suit seeking redemption of mortgage has also been filed by the owner.

I have considered the aforesaid submissions.

A perusal of the affidavit dated 22.4.2004 (Annexure P-3) shows that the petitioner has stated categorically in unambiguous terms that he is owner of the property for which he applying for electricity connection. Para No.2 of the said affidavit reads as follows:-

“2. That I am the owner of the property for which I am applying for electricity connection. Nobody will be held responsible.”

The aforesaid affidavit leaves no matter of doubt that the petitioner had made a categoric affirmation and assertion regarding he being owner of the property, whereas infact it has been found that he is not the owner. In these circumstances, the petitioner having furnished a false affidavit before an authority is liable to be prosecuted. I do not find any ground for quashing of the FIR. The petition is sans any merit and is hereby dismissed.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

16.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No