

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

CRM-M-30452-2018.
Date of Decision:-25.11.2020.

Parmod Arora and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ranjit Sharma, Advocate for the petitioners.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

SANJAY KUMAR, J. (Oral)

By way of this petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 28 dated 18.07.2012 on the file of Police Station Airport, District Amritsar, registered against them under Sections 420, 465, 467, 468, 471 and 484 IPC.

By order dated 20.07.2018, this Court noted the contention of Mr. Ranjit Sharma, learned counsel for the petitioners, that though the police had filed a cancellation report in relation to the subject FIR, the learned Chief Judicial Magistrate, Amritsar, had refused to accept the same,

requiring the petitioners to face trial, and directed further proceedings before the trial Court to remain stayed.

The second petitioner herein was an elected MLA at that point of time. Her daughter is married to the son of the first petitioner. As per the contents of the FIR, on 13.07.2012 at about 03.50 p.m., vehicle bearing registration No. PB-02-BB-2929 was stopped by Kuldeep Singh, Inspector Incharge, Surprise Checking Team, Border Range, Amritsar, at the *naka* on the airport road. It was being driven by the first petitioner at that time and the MLA sticker bearing label No. 135 was allegedly affixed on the windshield of the vehicle. The Inspector took possession of this scanned sticker after asking the first petitioner to remove it.

It appears that, after inquiry, the police filed a cancellation report on 06.01.2014 in relation to the subject FIR but by order dated 28.02.2014, the learned Chief Judicial Magistrate, Amritsar, sent the case back for further investigation. However, no further investigation was conducted but another cancellation report was submitted by the police. However, Inspector Kuldeep Singh was present before the trial Court and stated that he did not agree with the said cancellation report. His separate statement was recorded to the effect that he had done his duty honestly and had caught the first petitioner driving the vehicle while carrying the scanned copy of the MLA sticker. Thereupon, the learned Chief Judicial Magistrate, Amritsar, took note of the fact that the second petitioner, the MLA herself, had made a statement during the inquiry that two car stickers bearing label Nos.135 and 136 had been issued to her as she was a member of the

Legislative Assembly. She admitted that the sticker bearing label No. 135 was meant for her car bearing No. CH-04-F-0414 while the sticker with label No. 136 was for car No. PB-65-H-9107. According to the second petitioner, she kept scanned copies of the stickers with her and put them on other cars also. She stated that she herself had put the scanned copy of her MLA sticker on the first petitioner's car No. PB-02-BB-2929. It was her case that when the car was returned to the first petitioner, her driver forgot to remove the sticker though he had taken it off the front windshield.

However, it was the categorical statement of Inspector Kuldeep Singh that when he apprehended the subject vehicle, it was bearing this sticker on the windshield and it was carrying car No. PB-02-BB-2929 and not car No. CH-04-F-0414. The learned Magistrate found that the sticker bearing label No. 135, which has been recovered and annexed with the file, clearly depicted the vehicle number as PB-02-BB-2929. The learned Magistrate also noted that as per the communication received from the Additional Director General of Police (Traffic), Punjab, the sticker bearing label No. 135 had been issued for car No. CH-04-F-0414 and not for car No. PB-02-BB-2929.

The learned Magistrate also noted that the cancellation report had been filed only on the short ground that the sticker was stated to have been removed by the accused from the windshield and was lying on the dashboard of the car. However, this aspect of the matter was contested by Inspector Kuldeep Singh, who disagreed with the cancellation report and asserted that the sticker was pasted on the windshield of the vehicle. Having

considered all these aspects, the learned Magistrate opined that sufficient grounds were made out for summoning both the accused to face trial for the alleged offences. He accordingly ordered so on 10.01.2018. Significantly, this summoning order was not subjected to independent challenge though this case was filed in July, 2018.

Mr. Ranjit Sharma, learned counsel, would contend that no offence was made out as the petitioners never misused the MLA sticker for gain. Learned counsel would further assert that the sticker was not pasted on the windshield but was lying on the dashboard. However, Inspector Kuldeep Singh, who joined the video conference upon the direction of this Court, again asserted that he had stopped the vehicle as the MLA sticker was pasted upon the windshield. This factual aspect would necessarily have to be proved during the trial and no opinion, one way or the other, can be ventured at this stage.

Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab, would point out that though the petitioners alleged that the actions of Inspector Kuldeep Singh were motivated by political rivalry, no evidence has been produced by the petitioners in proof thereof.

In any event, this Court finds that the very fact that the police filed two cancellation reports supporting the petitioners indicates that there was no political rivalry at play, on the ground that the second petitioner was the MLA of a particular political party.

Significantly, the second petitioner herself admitted during the inquiry that the MLA sticker bearing label No. 135 was not to be used for

this car and was allotted for her car bearing No. CH-04-F-0414. Further, the other statements made by her with regard to scanning of the MLA stickers and use thereof in other vehicles indicates, *prima facie*, that there was some misuse of these stickers. As to whether such misuse would amount to commission of the offences alleged requires a full-fledged trial and adjudication by the trial Court. At this stage, no grounds are made out to quash either the FIR or the summoning order passed therein.

The petition is devoid of merit and is accordingly dismissed.

Interim order dated 20.07.2018 shall stand vacated.

(SANJAY KUMAR)
JUDGE

November 25, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.