

CRM-M-41313 of 2017 (O&M)

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

CRM-M-41313 of 2017 (O&M)
Date of Decision: 27.02.2020

Bhagwan Dass and another

...Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Abhinav Gupta, Advocate, for the petitioners.
Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.289 dated 30.12.2016 (Annexure P-4) registered under Section 419 IPC at Police Station Kotwali, District Bathinda, and all consequential proceedings arising therefrom qua petitioners.

Briefly, District Consumer Disputes Redressal Forum, Bathinda, published recruitment notice dated 30.11.2016 (Annexure P-1) inviting applications for filling up one post of Clerk on temporary basis on fixed emoluments of ₹10,300/-. Both the petitioners, husband and wife, submitted their applications forms for the said post on 09.12.2016. Pursuant thereto, petitioners appeared for the type and computer test on 24.12.2016 at S.S.D. Boys Senior Secondary School, Bathinda. Six days thereafter, on 30.12.2016, impugned FIR was registered on complaint from the Superintendent, District Consumer Forum, Bathinda, against both the

CRM-M-41313 of 2017 (O&M)

petitioners on the allegations that petitioner No.1 was allotted Roll No.1026 and his wife petitioner No.2 was allotted Roll No.1025. Petitioner No.1 saved his type test against Roll No.1025 i.e. of his wife and left the centre without putting his signature on the type test sheet in order to get appointed his wife on the advertised post.

Heard.

Admittedly, petitioners were not selected against the aforesaid post. Test for the post for which petitioner No.1 impersonated as his wife on 24.12.2016 has been cancelled as per reply of the Public Information Officer, District Consumer Disputes Redressal Form, Bathinda (Annexure P-8) to the application of petitioner No.1 under the Right to Information Act, 2005. There is no definite evidence on record that petitioner No.1 ever impersonated his wife. Allegations against the petitioners are hypothetical, not based any definite/concrete evidence, thus, not worth reliance. Petitioners have already faced agony of protracted trial for four years.

In view of discussion made above, petition is allowed. FIR No.289 dated 30.12.2016 (Annexure P-4) registered under Section 419 IPC at Police Station Kotwali, District Bathinda, and all consequential proceedings arising therefrom qua petitioners are quashed.

February 27, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No