

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

Sr. No.108

**CRM-M-26598-2020
DATE OF DECISION: 08.09.2020**

MANJU AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pawan Attri, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners seek quashing of FIR No.147, dated 16.03.2020, registered at Police Station Gharaunda, District Karnal, under Sections 120-B, 218, 420, 467, 468 and 471 IPC.

2. According to the FIR, the petitioners and others connived with each other to embezzle panchayat funds. A resolution dated 19.11.2014 was passed by the Gram Panchayat which did not contain the signatures of the requisite number of Panches. Based thereupon, cheques were drawn for withdrawal of money and the same was embezzled.

3. Learned counsel for the petitioners has argued that the registration of the FIR is motivated. The complainant is a near relative of the present Sarpanch against whom the father-in-law of the petitioner had filed a writ petition in the year 2019. Elections are round the corner and on account of this reason, the FIR has been registered.

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4. Whether an FIR is motivated or not cannot be decided by the High Court in exercise of jurisdiction under Section 482 Cr.P.C. Thus, the argument is rejected.

5. Next it has been argued that Section 53(5) of The Haryana Panchayati Raj Act, 1994 bars the registration of an FIR. A perusal of the said provision shows that the same is a bar upon any person being called to explain why he should not be required to make good any loss, after the expiry of six years from the date of the occurrence or after the expiry of two years from demitting of his Sarpanch. The petitioner demitted office of Sarpanch on 02.09.2015 and the FIR is dated 16.03.2020.

6. The aforementioned provision cannot be interpreted in the manner that the petitioner is arguing. The same is a bar on issuance of a show cause notice for alleged loss caused after expiry of time prescribed. The same does not bar initiation of criminal proceedings. Thus, this argument is also misconceived.

7. The petition has no merit and the same is dismissed.

08.09.2020

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No