

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

112

**CRM-M-32446-2020
Decided on : 13.10.2020**

Gurjeet Singh

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Roopansh Purohit, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The prayer in the petition is for quashing of FIR No. 524, dated 28.08.2019, under Sections 406, 420, 506 of IPC, registered at Police Station Faridabad, District Faridabad, Haryana, now transferred to the Economic Offence Wing, Room No. 502, Sector 12, Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand by respondent No.2 (complainant), on account of their business relationship having turned sour. It has been further contended that even on a bare perusal of the FIR, it is apparent that a civil dispute between the parties has been given a criminal complexion, as the allegations levelled do not even obliquely disclose the commission of any offence, much less, to attract the mischief of Sections 406, 420, 506 IPC. Rather, it is the petitioner, who has been cheated by respondent No.2 (complainant) by manipulating the books of account. Still further, even the allegations levelled against the petitioner do not find corroboration with the documents, on which respondent No.2 (complainant)

has placed reliance in support of his allegations.

It need not be emphasized that the inherent powers of this Court under Section 482 Cr.P.C. for quashing of an FIR should be exercised sparingly and with a great deal of circumspection, as has been time and again reiterated by the Apex Court in its various pronouncements. The allegations levelled in the FIR, if taken in their entirety, do not disclose the commission of any offence, are inherently improbable and smack of *mala fides*, then of course, there should be no hesitation by this Court in exercising its inherent powers vested under Section 482 Cr.P.C.

However, coming to the case in hand, a perusal of the contents of the FIR in question *prima facie* reveal that the petitioner lured respondent No.2 (complainant) to invest his money in a property, which was to be auctioned by the Punjab National Bank, by giving him an assurance that he would after getting it released in his name, transfer in the name of respondent No.2 (complainant), on payment of 1% of commission charges. Subsequently, an amount of Rs. 2,74,00,000/- by way of Demand Draft was made in favour of the 'Punjab National Bank A/c Triveni Media Limited' and handed over to the petitioner. As per the allegations levelled in the FIR, ever since the receipt of the aforementioned D.D., the petitioner had been refusing to act on the assurance given to respondent No.2 (complainant), and also extending threats of dire consequences to him, as and when he was asked by respondent No.2 (complainant) to return his money.

A perusal of the FIR in question indeed reveals that *prima facie* serious allegations have been levelled against the petitioner. The veracity and truthfulness of allegations levelled can be and would be tested only after the evidence has been recorded by the trial Court. This Court at this stage cannot undertake an inquiry into the allegations levelled in the

complaint by respondent No.2 - (complainant).

In the circumstances, no ground is made out to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the FIR No. 524, dated 28.08.2019.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 13, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*