

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

122

CRM-M-7297 of 2021

Date of decision :-16.02.2021

Jaswinderpal Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. P.S. Ahluwalia, Advocate for the petitioners.

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**SUVIR SEHGAL, J.**

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

Prayer in the instant petition is for quashing of FIR No.41 dated 07.05.2019 registered under Sections 420, 170, 120-B and 506 IPC, 1860 at Police Station Khamano, District Fatehgarh Sahib, Annexure P-1, along with all consequential proceedings arising therefrom.

Facts, in brief, are that the impugned FIR has been registered on the complaint of the Manager of Kotak Mahindra Bank, Fatehgarh Sahib, against Jaswinderpal Singh, Patwari and his wife Karamjit Kaur (present petitioners) on the allegation that on 29.03.2019, Karamjit Kaur came to the bank and she told the Bank Manager that she is working as Patwari of Circle Jattana Uncha, Tehsil Khamano, District Fatehgarh Sahib and that she has instructions from the concerned SDM that the compensation for acquisition of land payable to Madhu Soodan Jain and Manisha Jain be withheld. She talked to Sh. Manjit Singh Rajla, Tehsildar, on the mobile, who at her insistence asked the complainant to withhold the amount. Upon verification, the complainant came to know that Karamjit Kaur is not the Patwari and she

is exercising her influence without any authority. Upon written instructions from the SDM, the compensation was released to the claimants and the complaint was lodged with the SDM and the police. The complaint was inquired into and the investigation has been completed. Challan, Annexure P-3, stands presented.

Counsel for the petitioners has urged that offences as alleged are not made out from the reading of the FIR. His argument is that petitioner No.2 never impersonated as a public servant nor has she committed any fraud with the bank in connivance with petitioner No.1. He submits that the compensation amount stands paid to the land owners and there can be no possible grievance insofar as the claimants are concerned. He has placed reliance upon the material collected by the Investigating Agency to fortify his argument.

Notice of motion.

On asking of the Court, Mr. R.S. Thind, DAG, Punjab, who has been served with an advance copy of the petition, accepts notice through video conferencing, on behalf of respondent-State.

Upon instruction from ASI Sukhwinder Singh, he has opposed the petition and submitted that another FIR with similar allegations has been lodged against the present petitioners. He submits that there is no circumstance or material fact in the present case which may warrant interference under the inherent jurisdiction of this Court under Section 482 Cr.P.C. Upon instructions, he has informed the Court that the challan, Annexure P-3, has been presented on 10.10.2019 and the case is fixed for framing of charge on 16.04.2021.

I have considered the arguments raised by counsel for the parties.

The complaint has been lodged by the Manager of Kotak Mahindra Bank and a perusal of the same shows that there are direct allegations against the petitioners regarding impersonation, cheating and criminal conspiracy attracting the offences under Sections 420, 170 and 120-B IPC. The allegations in the complaint/FIR when taken at their face value, prima facie constitute offences against the accused-petitioner. It cannot be said that no cognizable offence is made out against the petitioners. Applying tests as laid down by the Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal**, AIR 1992 SC 604, the impugned FIR cannot be quashed.

No case is made out to show any indulgence or exercise the power under Section 482 Cr.P.C. to quash the impugned FIR.

Petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.02.2021  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No