

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

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CRM-M-5937-2021(O&M)

Date of decision: 24.05.2022

JOGINDER SINGH

....Petitioner(s)

Versus

STATE OF HARYANA AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ankit Bishnoi, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

Instant petition had been filed under Section 482 of the Code of Criminal Procedure for seeking quashing of FIR No.6 dated 14.01.2021, under Sections 409 and 420 of the Indian Penal Code, 1860 registered at Police Station Dadri Sadar District Charkhi Dadri.

Status report by way of affidavit of Jogender Singh, HPS, Deputy Superintendent of Police, Head Quarters Charkhi Dadri has been filed on behalf of the respondent-State. The relevant extract of the same is reproduced hereinbelow:-

3. That during investigation, it has been found that no instructions was issued by the Panchayat department to purchase solar lights in Gram Panhayat nor any subsidy was available from any authorized Dealer or NRE/HAREDA agencies on such purchases in the year 2017. The petitioner has purchased 40 solar lights amounting Rs.5,40,000 /-on 20.03.2017 from Ms. Sai Trading Company, Village Dinod district Bhiwani without informing the Panchayat department or obtaining any prior approval/sanction of such purchase from competent authority and has thus mis-utilized the

panchayat funds. However, no misappropriation/ embezzlement of government funds was found to be committed by the petitioner in above mentioned purchase and proper resolution was found to have been passed by the Gram Panchayat in this regard. Legal opinion in this regard was also sought and it was opined that no criminal case is made out in the matter and mere irregularity has been committed in purchase of Solar lights by the petitioner and Gram Sachiv by utilizing the funds without sanction of competent authority and it is matter of a civil nature for which the concerned panchayat department is at liberty to recover the amount from the petitioner and other person involved.

- 4. That during the course of investigation it was found that allegations leveled against the petitioner in the present case were found false and cancellation report dated 27.11.2021 has been prepared in the case.*
- 5. That during the course of in-depth and sincere investigation conducted in the case, no evidence came on file against the named persons to substantiate allegations leveled in the FIR and cancellation report dated 27.11.2021 has been prepared in the case. Therefore, the present petition is liable to be dismissed.*

Considering that cancellation report has already been moved, learned counsel for the petitioner does not press the instant petition at this stage.

Dismissed as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

May 24, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>