

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

295

CRM-M-15330-2021
Date of Decision: 25.07.2022

RAKESH SOOD

.....PETITIONER

Versus

THE STATE OF HARYANA AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Bipan Ghai, Senior Advocate assisted by
Mr. Paras Talwar, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. To the instant petition cast under Section 482 Cr.P.C., the petitioner claims relief for FIR No. 54 dated 03.03.2020, embodying therein, offences constituted under Sections 406/420/467/468/471/120-B IPC, registered at Police Station Bhondsi, Gurugram, being ordered to be quashed and set aside. A further relief is claimed in the petition that the further, judicial proceedings, as arise therefrom, be also ordered to be

quashed and set aside.

2. The complainant company is engaged in providing logistical support both of keeping warehouses, and, also, for ensuring transportation of goods, as manufactured, at the manufacturing plant concerned, and, through a contract drawn amongst the complainant, and, the petitioner herein, the latter availed the transportation services of the complainant, for transporting to M/s Maruti Udyog Limited, hence spare parts, and, other ancillary auto mobile parts, for theirs' being assembled at the manufacturing plant of M/s Maruti Udyog Limited.

3. A dispute arose amongst the accused, and, the respondent with respect to, despite the auto parts concerned, becoming manufactured at the manufacturing plant of the accused, and also theirs being transported by the complainant to M/s Maruti Udyog Limited, and, despite the value of the transportation charges, or, the freight amount, becoming comprised in a sum of Rs. 1 crore 50 lakhs, yet the above amount remaining un-liquidated, to the complainant, by the accused. Contrarily, it is alleged that through the drawing of fake, and, forged bills, on the letter head of the complainant company, rather by the accused, besides, by other officials in the entity concerned, the transport charges, freight charges in respect of the relevant transportations, as were rather made by the complainant to M/s Maruti Udyog Limited, rather therethroughs being untenably, and, illegally claimed. Consequently, the complainant alleged against the accused, that he had indulged in committing offences of cheating and, also, had indulged in committing offences of preparing forged, and, false bill, vouchers, for seeking the apposite releases, which however were never amenable to be

drawn by him, and, nor also the amounts mentioned therein were either claimable, nor, releaseable to it.

4. The learned Counsel appearing for the petitioner has vehemently argued, that since the offence of cheating would become awakened, only when the amounts in the purported forged bills, were released to the petitioner, and, when the amounts occurring in the purported forged bills, rather never became released to the accused by M/s Maruti Udyog Limited, thereupon, the offence of cheating is not made out, nor, the FIR containing the above offence is truthful rather he contends that it be quashed, and, set aside.

5. However, even if assuming, and, may be if the offence constituted under Section 420 of the IPC, is prima facie not at this stage made out against the present bail petitioner, but a perusal of the report filed, under Section 173 Cr.P.C. by the investigating officer concerned, before the learned trial Judge concerned, does on its reading, unfold that, during the custodial interrogation of co-accused Brij Bhushan, he made a confession that he, by bringing stamps of company M/S Galaxy Logistics, which entity, is the complainant entity, and, in collusion with the present petitioner, and, one Chhatterpal Singh, CEO of the accused company, preparing six forged bills of the complainant on the laptop, and, assembled desktop computer, given to him by the company, and, subsequently, the concerned, making entry in his hands in the register of Trim India company, and, thereafter it becoming despatched to M/s Maruti Udyog Limited, but, yet it becoming deleted from the desktop. Therefore, through the above, forged bills created on the bill vouchers, carrying therein, the label of respondent complainant,

hence became the primary evidence, but yet the above forged bills have been confessed to become deleted, but yet thereafter the investigating officer concerned, has added against the accused concerned, an offence under Section 201 IPC.

5. Consequently, the above unauthorized deletion, or, to screen evidence, besides the preparation of the forged bills, irrespective of the offence of cheating, not being committed, does prima facie, at this stage, constitute an offence of forgery, and, other consequent offences relating thereto.

6. Though, learned counsel for the petitioner further contends, that the dispute, as arose from a contract amongst the petitioner company, and, the respondent complainant company, is a purely civil dispute, and, that the penal incrimination drawn against the petitioner, is outside the realm of a plethora of judgments rendered by Hon'ble Apex Court, hence expositing, that when there are pure civil disputes arising amongst the concerned, thereupon, the drawing of penal inculpations against the errant, may not be the appropriate course. However, even the above argument is rejected, as even if assuming there was, breach if any, of the relevant contract, as arising from relevant clause, and, relating to pecuniary liabilities being amenable to be liquidated by the petitioner to the respondent, but even if, an interpretation thereof, could be made by the civil court concerned, but here, prima facie the commission of an offence of forgery, rather in the above manner, does not make it a pure civil suit, but does prima facie gives it the tinge, and, colour of penal offence(s).

7. In view of the above, this Court does not find any merit in the

petition, and, rather, becomes constrained to dismiss it.

8. Dismissed accordingly.

9. It is clarified that the above made observations are strictly made only for the disposal of the present petition, and, shall not influence in any manner, the learned trial Judge concerned, as and when he/she deals with the trial of the FIR (Supra).

(SURESHWAR THAKUR)
JUDGE

25.07.2022
kavneet singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No