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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17253-2021 (O&M)
Date of Decision: 21.02.2022

Vivek Kumar

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Bhardwaj, Advocate, for the petitioner.

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JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 66 dated 30.03.2017 under Sections 406, 416, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City, Kharar.

It has been submitted by the learned counsel for the petitioner that in the present FIR the petitioner was not named and his name was nominated on the basis of disclosure statement of the co-accused and in fact the FIR was against 49 accused persons initially. The FIR was lodged on the basis of statement made by Zonal Manager, UCO Bank, Sector 17B, Chandigarh which was addressed to the Director General of Police, Punjab by alleging that various people have taken loans from the Branch of the Bank on the basis of fake KYC and other fabricated documents by submitting fake invoices of different automobile dealers and in fact there is no actual delivery of the cars.

Learned counsel for the petitioner further submitted that since the disclosure statement made by the co-accused is not admissible in evidence, the present FIR may be quashed qua the present petitioner.

I have heard the learned counsel for the petitioner.

In fact there is another background which is connected with the present FIR. Vide Annexure P-3 in the year 2014 one FIR was registered on the basis of the statement made by complainant Sanjay Singh against the present petitioner and others that the complainant is a property dealer by profession and is having number of plots in Chandigarh and wanted to build them and for that purpose he required funds and he met Vivek Kumar (Petitioner) who stated there is another friend namely Karanbir Singh who has a lot of relations with banks and he can fulfill all his needs of required funds and will help him in taking personal loan. Thereafter, the present petitioner introduced the complainant with aforesaid Karanbir Singh and they took signatures on blank documents for the purpose of taking personal loan and thereafter loan was sanctioned for an amount of Rs. 15,00,000/- against some cars of M.P. Motors and A.B.Motors. The sanction of amount of Rs. 14,00,000/- was pertaining to A.B. Motors and an amount of Rs. 15,00,000/- was pertaining to M.P. Motors and the loan amount was credited in the accounts of the aforesaid companies and thereafter the loan amount was credit to two different personal accounts of the complainant. Thereafter when he came to know that it was done by the accused in a fabricated manner, then he stopped paying the loan installments and thereafter he came to know that there was a gang who had forged documents on different addresses, forged driving licenses and other documents and on the basis of these documents they had opened forged bank accounts in different banks to defraud the innocent people of the villages and cities by taking their signatures on blank documents for giving them DDs in respect of their loans and they used to give DDs to the companies like Pioneer and Toyota and many other companies to defraud them by not giving them the loan amount and used the same for their personal uses. It also came up in the allegations in the FIR that such kind of fraud has been committed with the innocent people with regard to not less than 150 sanctioned car loans from the bank and the petitioner alongwith Karanvir Singh are having in their possession many forged driving licenses, ATM cards, SIM, mobiles and forged company quotations papers in very high number which can be recovered from them.

The aforesaid FIR is of the year 2014 Annexure P-3 in which complaint by filed by Sanjay Singh against the present petitioner and Karanvir Singh. The FIR which is under challenge in the present case is of the year 2017 which was lodged at Police Station Kharar in which the Zonal Manager of the UCO Bank has made a complaint in which the aforesaid Sanjay Singh is also an accused and the allegations are also similar in nature pertaining to sanctioning of loans on the basis of forged and fabricated documents and thereafter on the basis of disclosure statement of the aforesaid Sanjay Singh the name of the petitioner has been nominated. The plea taken by the learned counsel for the petitioner that the name of the petitioner has been nominated on the basis of disclosure statement of the co-accused and, therefore, the FIR should be quashed is not sustainable in view of the background of the present FIR as aforesaid. It is a not a case where the FIR can be quashed on the ground that on the face of it no offence is made out or for want of jurisdiction or any other special circumstance or any violation of law. No ground is available with the petitioner for quashing of the FIR and the present case of the petitioner does not fall within the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana Versus Ch. Bhajan Lal and others [1991(1) RCR (Criminal) 383].***

Therefore, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.02.2022 **(JASGURPREET SINGH PURI)**
rakesh **JUDGE**

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