

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16346-2019
Date of decision : 23.09.2022

Naresh Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Pallavi Babbar, Advocate for
Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Lalit Kumar Gupta, Advocate
for respondent no.4.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for issuance of directions to respondents no.1 to 3 to look into the matter with respect to FIR no.604 dated 26.10.2013 registered under Sections 420, 467, 468, 471, 409 IPC at Police Station City Fatehabad, District Fatehabad.

It is the case of the petitioner that the petitioner has been falsely implicated in the above said FIR and respondents no.4 to 6 have not been proceeded against.

Learned State counsel as well as learned counsel for respondent no.4 have submitted that in the present case, FIR was registered in the year 2013 in which, the present petitioner Naresh Kumar was tried by the trial Court and vide judgment dated 10.09.2018, Additional Chief Judicial

entire evidence including the evidence of respondent no.4, who had appeared as PW-11, was taken into consideration before convicting the present petitioner and thus, the present petition under Section 482 Cr.P.C. is not maintainable.

Learned counsel for the petitioner could not rebut the arguments which have been raised by learned State counsel.

This Court has heard learned counsel for the parties and has considered the submissions put forth.

A perusal of the petition would show that the primary plea raised by the petitioner is that the petitioner has been made a scapegoat in the above said FIR and its proceedings and respondents no.4 to 6 have not been proceeded against in the said case. The FIR in the present case has been registered in the year 2013 and in the said case, the petitioner was arrayed as an accused. There is nothing to suggest that the petitioner had ever filed any case for transfer of investigation either after the registration of the FIR or even, till the time the petitioner had been convicted vide judgment dated 10.09.2018 by the Additional Chief Judicial Magistrate, Fatehabad. A perusal of the judgment dated 10.09.2018 would show that in paragraph 12, the statement of the complainant Asha Setia, who had appeared as PW-4, has been considered and even the evidence of respondent no.4, who had appeared as PW-11, has been considered in paragraph 14 and after considering the said evidence as well as all the documents on record, the trial Court had come to the conclusion that the petitioner is guilty of the offences under Section 409, 467, 468 and 471 IPC. The evidence given by respondent no.4 Ravi Parkash, who had appeared as PW-11 as well as other witnesses had been relied upon by the trial Court

and the petitioner has been convicted.

Keeping in view the above said facts, this Court is of the opinion that the present petition under Section 482 Cr.P.C. after passing of the judgment dated 10.09.2018 is misconceived and is accordingly, dismissed. It would however, be open to the petitioner to seek the appropriate legal remedy against the judgment dated 10.09.2018.

(VIKAS BAHL)
JUDGE

September 23, 2022
Davinder Kumar

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