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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29418-2022
Date of Decision: 12.07.2022

Farik Singh and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravi Malhotra, Advocate, for the petitioners.

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. 70 dated 30.04.2015 under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar.

Learned counsel for the petitioners argued the present petition at length during the pre-lunch session and the matter was passed over as the learned counsel for the petitioners had sought some time to seek instructions from the petitioners. However, thereafter the matter was called but learned counsel for the petitioners has not appeared.

As per the allegations contained in the FIR, which was lodged on the basis of a complaint dated 23.04.2015 from the Government of India, Ministry of External Affairs, Passport Office, Jalandhar that with regard to about 30 passports verification was done from the Issuing Authority i.e.

Registrar of Death and Birth, Hoshiarpur that all the certificates were found to be fake/bogus and, therefore, the present FIR was lodged against the persons mentioned in the FIR. The present petition has been filed by 20 such persons against them the allegations were that they had applied for passports with fake Birth Certificate. Learned counsel for the petitioners had argued that the petitioners have been falsely implicated in the present case and the trial of the case is going at a slow pace and 4 out of 15 witnesses have been examined till date. He further submitted that the offence under Sections 420, 465, 468, 471, 120-B IPC were not made out in the present case and in fact at the most there could be a violation of the provisions of Passport Act. He referred to Section 12 of the Passports Act and submitted that even if there is a violation of the Passports Act, then the same is compoundable in nature and, therefore, the present FIR is liable to be quashed. He also relied upon a judgment of this Court in ***Pardeep Singh Versus State of Punjab and another, CRM-M-48407-2018, decided on 08.10.2021*** in this regard.

I have heard the learned counsel for the petitioners.

The main argument raised by the learned counsel for the petitioners in the present case was that the offence, if any, in the present case was compoundable in nature since it is covered under the Passport Act and has relied upon in judgment of this Court in ***Pardeep Singh Versus State of Punjab and another (Supra)***. However, a perusal of the aforesaid judgment would show that in that case there was already a recommendation for cancellation of the FIR and counsel for the respondents also had stated that they have no objection in case the petition is allowed and the FIR and subsequent proceedings are quashed. Therefore, the aforesaid judgment will

the present case were pertaining to fabrication of birth certificates which have been used while applying the passports. The law with regard to the quashing of the FIR has been well settled by the Hon'ble Supreme Court in ***State of Haryana and others Versus Ch.Bhajan Lal and others [1991(1) RCR (Criminal) 383]***. The relevant portion is reproduced as under:-

“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

3. *Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

4. *Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

5. *Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*

6. *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*

7. *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.*

108. *We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise*

of the allegations made in the F.I.R. or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice.”

After hearing the learned counsel for the petitioners and perusal of the record, this Court is of the view that the present case does not fall any of the parameters contained in ***State of Haryana and others Versus Ch.Bhajan Lal and others (Supra)*** and, therefore, this Court is of the view that it is not a fit case to quash the FIR by invoking extra ordinary jurisdiction under Section 482 of the Code of Criminal Procedure.

Consequently, 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.

12.07.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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