IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40381-2022
Date of decision: 05.09.2022

Roshan Lal and others

...Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pankaj Kaushik, Advocate, for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek quashing of FIR No.170 dated 13.03.2020, registered at Police Station Assandh, District Karnal, under Sections 406, 420, 467, 468, 471, 474, 120-B and 506 read with Section 34 IPC and all the consequential proceedings arising therefrom.

Learned counsel for the petitioners contends that though the above noted FIR was registered against the petitioners alongwith the co-accused i.e. Sub Registrar and Halqa Patwari, for forging and fabricating the documents, yet the fact remains that petitioner No.1 had repaid the entire loan amount to the bank, as would decipher from the certificate (Annexure P-2) issued by the bank. In such circumstances, criminal case cannot be allowed to continue and the petitioners cannot be subjected to harassment and forced to face the rigor of criminal trial.

I have heard the learned counsel for the petitioners.

The informant in the present case is the Branch Manager, Haryana Gramin Bank, Branch Office Munak. As per the prosecution version, petitioner No.1 in connivance with the co-accused, including petitioners No.2 and 3, had fraudulently got executed mortgage deed despite being the fact that he was not having any land in khewat No.220, and that on the basis thereof, he had obtained the loan facility from the bank under the Scheme of Kisan Credit Card Loan and Term Loan for debt swap.

It is trite that the inherent powers possessed by this Court under Section 482 Cr.P.C., are very wide, but the same are not unbridled. It has to be exercised sparingly, carefully and cautiously, *ex debito justitiae* to do real and substantial justice for which alone the Court exists. Such inherent powers should not be exercised to stifle a legitimate prosecution.

Indisputably, petitioner No.1 had obtained the loan from the bank. There are serious allegations against the petitioners that petitioner No.1 in connivance with petitioners No.2 and 3 and other co-accused had forged the documents for obtaining the loan.

The aforesaid allegations definitely makes out criminal offence, which needs to be tried. This Court does not find any force in the contention of the learned counsel for the petitioners that petitioner No.1 had already repaid the loan amount and the criminal proceedings cannot be allowed to continue. To quash the proceeding merely on the ground that the accused has settled the amount with the bank, would be a misplaced sympathy. In economic offences, the Court must not only keep in view that money has been paid to the bank which has been defrauded but also the society at large.

The Hon’ble Supreme Court in 'Sushil Suri Vs. Central Bureau of Investigation and Another, reported in (2011) 5 SCC 708, held that the loan obtained on forged documents and the person who obtains the loan on forged documents, needs to be punished as per criminal law and the FIR cannot be quashed.

In view of the above foregoing discussion, this Court does not find any merit in the present petition.

Dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

05.09.2022 **(HARNARESH SINGH GILL)**
parveen kumar **JUDGE**

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