

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50564-2022 (O&M)

Date of decision : 13.12.2022

Gurjeet Singh

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Neha Gupta, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.75 dated 01.02.2019, registered for offences punishable under Sections 120-B, 379, 380, 420, 447, 467, 468, 471 and 506 IPC at Police Station Thanesar City, District Kurukshetra.

2. As per the allegations levelled in the FIR, it was alleged as under:-

“I, Nisha Rani D/o Sh. Jagdish Lal w/o Sh. Neeraj Kumar, am the owner in possession of two shops situated at Mohan Nagar, Pipli Road, Kurukshetra. That four habitual offenders namely (1) Gurcharan Lal Premi Gurcharan Singh S/o Ram Lal R/o House No. 205, Sector-13, Kurukshetra, (2) Dinesh Insan S/o Ram Lal resident of House No. 2195, Sector-7, Kurukshetra, (3) Gurjeet Singh S/o Maan Singh and (4) Satnam Singh S/o Partap Singh both resident of village Ajrana Khurd, District Kurukshetra, in collusion with each other have prepared a forged agreement of my above said property dated 23.12.2016 but I have not entered into any such agreement with any of them. They allege the total sale

consideration to be meagre Rs. 18,32,000/- which is much lower than the market price and also allege that they have paid me Rs. 13,00,000/- during the time of demonetization but no sum of money was received by me from them. That all the above said persons with dishonest intention in order to cause wrongful loss to me have played a calculated fraud and created forged agreement of my valuable security. I request the authorities to register FIR against these habitual offenders and send the forged agreement. That not only this, when I was raising construction on one of my property on 22.01.2018, Gurcharan Lal Premi @ Gurcharan Singh in February 2018 started threatening me over phone. When he could not succeed in all his illegal acts, Gurcharan Lal Premi @ Gurcharan Singh and Dinesh Insan on 08.08.2018 came to the school where I am working as a teacher and again threatened to kill me by crushing under the truck. That 29.09.2018 these four habitual offenders alongwith others came on my another adjoining constructed shop bearing Property ID-HTMCW1002568 as per Municipal Record, Thanesar Kurukshetra and criminally intimidated me to forcibly and illegally take possession of my shop. That when I moved an application in this regard, No. 4740-Misc dated 03.10.2018. Economic Cell, Kurukshetra where the police came to my already constructed shop (Office) and recorded my statement in that shop and the police report of which was prepared on 20.10.2018 clearly stated that Nisha Rani, am the owner in possession of in my shops. That on 21.10.2018, Gurcharn Lal Premi @ Gurhcaran Singh, Dinesh Insan, Gurjeet Singh, Satnam Singh, Arun Kumar Sandhu s/o Babu Ram, Gurvinder Sandhu, Anurag Puri S/o Piyare Lal and Vishavjeet Singh S/o Gurcharan Lal Premi have demolished my above said shop. I request the authorities to register case against

them and strict legal action be taken against them in this regard. That as per the Hon'ble Mr. Justice Rajbir Sherawat Punjab and Haryana High Court, Chandigarh dated 22.01.2019 FIR shall be registered and be subjected to custodial interrogation as to who had signed the forged agreement in the name of Nisha.”

3. Counsel for the petitioner submits that the present petition has been filed with the malafide intention to falsely implicate the petitioner and in order to substantiate her plea counsel relies upon the conclusion drawn by finger print and handwriting expert which has been placed on record as Annexure P-5.

4. I have heard counsel counsel for the petitioner and have gone through the records of the case.

5. Principles w.r.t. exercise of jurisdiction under Section 482 Cr.P.C. vis-a-vis quashing of FIR and to criminal proceedings stand well culled out in **State of Haryana and others vs. Ch. Bhajan Lal and others reported as 1992 SCC (Cri) 426** wherein Apex Court held 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 FIR 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 FIR do not constitute a cognizable offence but constitute only a noncognizable 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 FIR 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.”

6. The plea raised by the counsel for the petitioner relates to appreciation of the defence of the petitioner that shall be the subject matter of trial and will be subject to leading cogent evidence by the petitioner in his defence.

7. Trite it is that while exercising jurisdiction under Section 482 Cr.P.C. w.r.t. prayer for quashing of FIR, the High Court cannot conduct mini trial.

8. In view of the aforesaid settled proposition of law, no ground to interfere in the present petition is made out. Consequently, the same is dismissed.

9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

13.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No