

CRM-M-48487-2019

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48487-2019 (O & M)

Date of decision: 27.09.2022

Preetmohinder Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. Subhash Godara, Addl. A. G. Punjab.

Mr. Harish Mehla, Advocate for
Mr. Athar Ahmed, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

CRM-36518-2022

Allowed as prayed for. Annexure R-2/A is taken on record,
subject to all just exceptions.

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Through this petition, the petitioner seeks quashing of FIR
No.34 dated 26.02.2005, registered at Police Station Kotbhai, Gidderbaha,
Tehsil Muktsar, under Sections 420, 467, 468 and 406 IPC, and all the
subsequent proceedings arising therefrom, including the order dated
12.01.2006 (Annexure P-4), on the basis of certificate dated 17.01.2018

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(Annexure P-5) issued by respondent No.2.

According to the contents of the FIR, an agreement was entered between the PUNSUP and M/s Preet Gram Udyog Samiti, Butter Sharih, in the year 2001-02. The said Samiti was the firm of which the petitioner and the co-accused were partners. Under the agreement, PUNSUP supplied paddy to the firm under receipt. As per the Government instructions, 67% of the weight of the paddy supplied was to be given back to PUNSUP upto 30.06.2022, which was extended upto 29.09.2022. However, the firm supplied less rice and thereby had caused a loss of Rs.41,90,645/- to the PUNSUP.

Learned counsel for the petitioner contends that the above-noted FIR was got registered by the District Manager, PUNSUP, Sri Muktsar Sahib, against the petitioner and the co-accused; that the petitioner had no control over the business of the firm for the reason that he had shifted to Cyprus and thereafter to Canada; that the petitioner is a Canadian passport holder and has been residing in Canada since 03.03.2005, and that dispute, if any, is purely commercial in nature.

Learned counsel further contends that the proclamation was never effected at the present address of the petitioner; that the trial Court did not follow the procedure laid down under Section 82 Cr.P.C., and that the petitioner had not been afforded the requisite period of 30 days for causing his appearance, after publication of proclamation notice.

Learned counsel further contends that vide judgment and order dated 26.03.2014 passed by learned Sub Divisional Judicial Magistrate, Gidderbaha, the co-accused had been convicted and sentenced for a period

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of three years. The appeal preferred by the co-accused had been dismissed, vide judgment dated 16.04.2015 passed by learned Addl. Sessions Judge, Sri Muktsar Sahib, but sentence had been reduced to the period of two years. During the pendency of the revision, the co-accused had paid the entire amount alongwith 10% interest on the basis of One Time Settlement Scheme floated by respondent No.2. Vide order dated 25.03.2019, the Coordinate Bench after noticing the facts that the FIR was registered in the year 2005 and the outstanding amount stood paid, had reduced the sentence of the co-accused to the period already undergone. He further submits that the letter dated 04.03.2022 (Annexure R-2/A) would show that there is nothing due towards M/s Preet Gram Udhayog Samiti and that the payment of all the dues had already been made by the said firm.

On the other hand, learned counsel for respondent No.2 does not dispute the fact that the outstanding amount had been paid by the said firm and there is nothing due towards the said firm.

I have heard the learned counsel for the parties.

A perusal of the record would show that the co-accused i.e. partners of the firm had already deposited the entire amount in the bank account of PUNSUP in terms of the One Time Settlement Scheme floated by respondent No.2, and that no amount is due towards the said firm.

In view of the above, this Court finds that no useful purpose would be served in allowing the criminal proceedings to continue against the petitioner. Accordingly, FIR No.34 dated 26.02.2005, registered at Police Station Kotbhai, Gidderbaha, Tehsil Muktsar, under Sections 420, 467, 468 and 406 IPC, and all the subsequent proceedings arising

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therefrom, including the order dated 12.01.2006 (Annexure P-4), are quashed qua the petitioner.

Allowed in the aforementioned terms.

27.09.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

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