

\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: November 10, 2022***

+ **W.P.(CRL) 2616/2022 & CRL.M.A. 22890/2022 (Exemption)**

RAJEEV RAWAT

..... Petitioner

Through: Mr. Varun Deswal and Ms. Punya
Rekha Angara, Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC
alongwith Mr. Kunal Mittal,
Advocate with Insp Yashpal Singh,
P.S. EOW.
Ms. Mallika Parmar, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present petition is filed under Article 226 of Constitution of India read with section 482 Cr.P.C. for quashing of FIR bearing no. 57/2022 registered under sections 420/468/471 IPC at P.S. EOW alongwith consequential proceedings.
2. Issue notice.
3. Mr. Sanjeev Bhandari, Additional Standing Counsel assisted by Investigating Officer, Insp Yashpal Singh, P.S. EOW accepts notice on behalf of the respondent no.1/State. Ms. Mallika Parmar, Advocate accepts notice on behalf of respondent no. 2.
4. The respondent no. 2 filed a complaint under section 200 Cr. P.C. for initiating criminal proceedings for offences punishable under section 420/465/467/468/471/120B IPC against the accused as named in the

complaint and on the basis of the complaint, cognizance was taken vide order dated 17.01.2018 passed by the Court of Shri Insan, Judicial Magistrate, First Class, Ludhiana against Manju Srivastava and Anr. and Payal Thakur. Thereafter, the summoned accused Manju Srivastava and Payal Thakur filed a CRM-M-8059-2018(O&M) titled as Manju Srivastava and Anr. and Harbax Singh Grewal before the High Court of Punjab and Haryana at Chandigarh and vide order dated 29.01.2019, the Learned Single Judge of the Punjab and Haryana High Court at Chandigarh quashed the complaint bearing no. 128/2017 dated 04.03.2017 titled as Harbax Singh Grewal V Manju Srivastava and Others alongwith summoning order dated 17.01.2018, passed by Court of Judicial Magistrate First Class, Ludhiana. The Learned Single Judge also observed that the said complaint was nothing, but misuse of process of law. Primarily, the said complaint and the summoning order were quashed on the basis of lack of territorial jurisdiction at Ludhiana Court. Thereafter, the respondent no. 2 filed a complaint under section 190 read with section 156(3) Cr.P.C for registration of FIR titled as Harbax Singh Grewal and Another V Sarabjit Kaur Gill and Another bearing no. 6679/2019 wherein the petitioner was also implicated as respondent no. 5. The Court of Dev Saroha, M.M. Patiala House Court, New Delhi vide order dated 08.04.2022 directed the concerned SHO to register a case as per the mandate of Section 156(3) Cr.P.C. Thereafter, the present FIR bearing no. 57/2022 registered under sections 420/468/471/34 IPC at P.S. EOW was got registered.

5. The counsel appearing on behalf of the petitioner argued that the present FIR bearing no. 57/2022 is liable to be quashed on the basis of observations made by the Learned Single Judge of the Punjab and Haryana

High Court vide order dated 29.01.2019 wherein, it was mentioned that the present case is nothing but misuse of process of law. The counsel for the petitioner prayed for quashing of the present FIR and further argued that he was not named in the criminal proceedings initiated before the Ludhiana High Court.

6. The Additional Standing Counsel appearing on behalf of the respondent no. 1/State assisted by the counsel for respondent no. 2 stated that the investigation is still at an initial stage and the proposed incriminating material has to be collected by the concerned Investigating Officer, during the course of investigation. He further stated that the observations made by the Learned Single Judge of the Punjab and Haryana High Court does not have any bearing effect on the ongoing investigation arising out of the FIR bearing no.57/2022 as the Court at Ludhiana was not having the territorial jurisdiction. Hence, he prayed that the present petition be dismissed.

7. The perusal of order dated 29.01.2019 passed by the Learned Single Judge of the Punjab and Haryana High Court only reflects that the Court at Ludhiana was not having the territorial jurisdiction and the observations made by the Learned Single Judge that the said complaint was abuse of process of law at this stage does not appear to have any binding effect on the ongoing investigation arising out of the present FIR. The investigation is at an initial stage. At this stage, the present petition cannot be allowed hence, it is dismissed. However, the petitioner shall be at liberty to initiate appropriate legal proceedings in case if he feels aggrieved by any further acts during investigation at appropriate stage.

8. The present petition alongwith pending applications, if any stands disposed of.

SUDHIR KUMAR JAIN, J

NOVEMBER 10, 2022/sk/m

