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

CRM-M-2507-2019 (O&amp;M)

Date of decision: 20.07.2023

Kuldeep Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Lovish Rattan, Advocate,  
For the petitioner.

Mr. Sunil Kumar, DAG, Punjab.

Mr. V.K.Thakur, Advocate,  
For respondent No.2.

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**ARUN MONGA, J. (ORAL)**

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.93 dated 22.03.2018 (Annexure P-1), registered under Section 408 IPC, at Police Station, Sultanpur Lodhi, District Kapurthala along with all other consequential proceedings arising therefrom.

2. FIR in question was registered against the petitioner under Section 408 IPC. Petitioner was appointed as Manager/Administrator by the Trust of Bebe Nanki Istri Satsang Charitable Trust on 20.04.2017. His services were dispensed with vide letter dated 02.09.2017 (Annexure P-3). Petitioner served legal notice dated 20.12.2017 against his termination. The petitioner also filed a civil suit (Annexure P-2), which is still pending.

3. Learned counsel for petitioner submits that as a counter-blast to the Civil Suit (Annexure P-2), complainant registered the above mentioned FIR (Annexure P-1). He further submits that per the contents of the FIR, alleged offence was committed by the petitioner from 01.04.2017 to 17.04.2017 whereas petitioner was appointed on 20.04.2017, therefore there is no occasion that petitioner has committed alleged offence prior to his joining the trust. He further contends that the FIR was registered on 22.03.2018 i.e., after about one year.

4. On the other hand, learned State counsel strenuously opposes the instant petition. He submits that challan/report under section 173 Cr.P.C. has been filed. After filing of challan, charges were also framed under Section 408 IPC for the alleged misappropriation of Rs.3,56,530/-. After framing of charge, trial is going on and 3 witnesses have already been examined.

5. Learned counsel for the complainant also opposes the prayer made and submits that petitioner has concealed the factum of his appointment as Manager in Gurudwara in the meeting held on 09.12.2016 wherein Resolution No.1(Annexure R2/1) was passed vide which the petitioner was appointed as Manager by way of temporary arrangements up to 15.04.2017. He further urges that petitioner has specific role as mentioned in the FIR and he has committed fraud. He would further canvass that petitioner has not challenged the subsequent proceedings i.e. challan/ final report under Section 173 Cr.P.C. (Annexure R2/4) and order of framing charge dated 05.10.2019 (Annexure R2/5), therefore, instant petition is not maintainable.

6. Arguments heard.

7. Record of the case file reveals that after filing of challan/report under Section 173 Cr.P.C., charge was framed by the trial Court and trial has proceeded further and there has been no stay on the proceedings. That apart, out of 11 prosecution witnesses, 3 have already been examined. Pertinently, neither the challan nor framing of charge, which was done subsequently to the filing of instant petition wherein FIR is under challenge, have been assailed by the petitioner. That aside, as already noted, even 3 prosecution witnesses have been examined and trial is at an advanced stage.

8. Being so, no grounds are made out to interfere as the petition lacks any merit and the same is hereby dismissed.

9. Pending application, if any, shall also stand disposed of.

**(ARUN MONGA)**  
**JUDGE**

**20.07.2023**

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No