

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

120

CRM-M-5503-2023 (O&M)

Date of Decision: 02.02.2023

Suresh Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod Ghai, Senior Advocate, with
Ms. Kanika Ahuja and Ms. Mahima Dogra, Advocates,
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks quashing of FIR No.181 dated 10.08.2022 registered under Sections 379, 411 IPC (Sections 380, 381 IPC and Sections 7, 8, 13(1)(d)(i) of the Prevention of Corruption Act added later on) at Police Station Sector – 6, Daruhera, District Rewari.
2. Learned senior counsel appearing on behalf of the petitioner has submitted that it is a case where an information was received by the petitioner to the effect that several cartons full of new books printed at M/s Repro India Limited Company were lying at the shop of scrap dealer. The complainant, who is an ASI and was officiating as a Duty Officer at that point of time, raided the said premises of scrap dealer by the name of Shanu and Monish and it was found that 31 cartons of brand new books were lying at the shop. However, subsequently, when the officials of M/s Repro India Limited Company were associated, it was informed that as a matter of fact the said books, which were to be

discarded, were required to be shredded before handing over as scrap. Learned senior counsel, in this regard, has referred to an application dated 22.07.2022 (Annexure P-2) submitted by an official of M/s Repro India Limited Company to the concerned SHO. The contents of the said application read as under:

“I am Vikas Singh, Plant Head, Repro India Ltd., certify that after your intimation about lost books found in scrapyard (kabadi-wallah), I declare that these books are not valuable/useful for us. By mistake, these books got mixed with scrap (waste), request you to kindly handover these books to us, as per our internal company guidelines. We do not need any further assistance/investigation from police”

3. Learned senior counsel has further submitted that pursuant to the aforesaid application, the books were handed over back to M/s Repro India Limited Company and accordingly both the persons were let off, as it was not found to be a case of theft or possession of stolen property. Learned senior counsel has submitted that later ASI Ram Niwas proceeded to lodge FIR in question i.e. FIR No.181 dated 10.08.2022 under Sections 379, 411 IPC, Police Station Sector – 6 Daruhera, District Rewari against the scrap dealers. In the said FIR, the petitioner also came to be roped in on the premises that the scrap dealers had made a disclosure statement to the effect that they had previously been let off by the petitioner after accepting illegal gratification. It has been submitted that there is no evidence worth credence to establish the allegations leveled against the petitioner and since even the publishing house i.e. M/s Repro India Limited Company has categorically taken a stand that the books had not been stolen and did not wish to take any action and as a

matter of fact were required to be shredded before being discarded, the instant FIR against the petitioner cannot sustain and as a matter of fact is a result of professional jealousy within the department.

4. This Court has heard learned senior counsel appearing on behalf of the petitioner.
5. It is a case where challan already stands presented. It has been informed that the case is now fixed before the trial Court on 01.03.2023 to consider framing of charges. Thus, this Court is of the opinion that the contentions raised herein particularly on the basis of some documents can well be appreciated by the trial Court at the stage when the matter is to be considered for framing of charges.
6. The petition, as such, is disposed of with liberty to the petitioner to raise all the pleas, as have been raised herein, before the trial Court. The trial Court is directed to pass a speaking order while considering framing of charges taking into account all the contentions as noticed above and as may be raised before it.

02.02.2023

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(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**