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2023:PHHC:105081

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10312-2018 (O&M)

Date of decision: 26.07.2023

Jaspreet Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ankit Joshi, Advocate for petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.216 dated 23.10.2017 (Annexure P-1), registered under Section 409 of the Indian Penal Code, 1860 (IPC), at Police Station, Civil Lines, Bathinda, District Bathinda.

2. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the aforesaid FIR. He submits that FIR has been registered on the basis of an application moved by Superintendent of Post office, Bathinda Division, Bathinda to Senior Superintendent of Police, Bathinda after a gap of 07 years. It was alleged that petitioner had accepted special RD Lots from MPKBY Agents on 19.12.10, 09.03.10, 11.03.10 and 07.04.10 for Rs.10,000/-, 9870/-, 10,000/- and 20,046/- respectively, total amounting Rs.49916/- and failed to account for the amount of these RD special LOTs in the Government account on the above mentioned dates. Thus, the petitioner is alleged to have failed to make computerized entries, In this way he embezzled an amount of Rs. 49916/- from the Government account. Subsequently, the petitioner though deposited the whole amount along with interest and fine which comes to Rs.70925/- to the department. Petitioner was also held innocent in the initial inquiry conducted by Superintendent of Police. Notwithstanding, the department ordered a fresh departmental inquiry by appointing New Inquiry Officer. Petitioner had already credited the amount to the Government to avoid legal complications. Even after the credit of amount with interest by

the petitioner, inquiry continued and petitioner was removed from job on 06.01.2015. Thereafter, petitioner filed an appeal, in which order of removal from service was modified to that of reduction to lower pay by two stages. He submits that there is an unexplained delay of 7 years from the date of cause of action in lodging the FIR. Petitioner submitted an application for cancelling the FIR, but to no avail. Hence, the instant petition.

3. Learned State counsel strenuously opposes the instant petition. On a Court query, he submits that investigation of the case has not yet been completed. After completion of investigation, final report under Section 173 Cr.P.C. shall be presented.

4. I have heard learned counsel for the parties and gone through the case file.

5. Complaint is of the year 2010 upon which FIR was registered bearing No.216 dated 23.10.2017 under Section 409 of IPC and yet no challan has been presented. Same reflects that after registration of FIR, no further steps, whatsoever, were taken for a long time. Such lackadaisical attitude of the prosecution is self-explanatory and shows that there is no concrete evidence available against the petitioner warranting any trial qua the offence for which FIR has been registered. In any case, even if there were any such evidence, since the incident pertains to the year 2010, it is highly unlikely that same would be available as on today after a lapse of 13 years. No useful purpose would be served by keeping the proceedings pending which are arising out of the FIR against the petitioner.

6. Accordingly, FIR No.216 dated 23.10.2017 (Annexure P-1), registered under Section 409 IPC at Police Station, Civil Lines, Bathinda District Bathinda and subsequent proceedings arising out of said FIR are quashed.

7. Petition is allowed accordingly.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

26.07.2023

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No