

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19174-2018
Date of decision: 11.04.2023

SachinPetitioner

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 482 Cr.P.C. for directing the respondents to take action promptly as per law and proceed with FIR No.0054 dated 30.03.2018 under Sections 420, 467, 468, 471 IPC, registered at Police Station Kasola, District Rewari, Haryana (Annexure P-1).

Learned State counsel has filed additional status report by way of affidavit of Sh. Rajesh Lohan, H.P.S., Deputy Superintendent of Police, District Rewari on behalf of respondent Nos.1 to 5, which is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

In the status report, it has been averred as under:-

“9. That keeping in view the complex investigation warranted in the matter, the matter being a dispute of commercial nature and being based on voluminous record, the then Superintendent of Police, Rewari in terms of his office order No. 1243-47/RSP dated 24-07-2018 constituted a Special Investigation Team under the stewardship of the Deputy Superintendent of Police, Headquarters, Rewari comprising of the Deputy Superintendent of Police, City, Rewari and the Station House Officer, Police Station Kasola. Consequent upon the passing of the said order, the investigations were taken up by the Special Investigation Team.

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10. That the Special Investigation Team thereafter issued notices to the then Security Manager and obtained the record of the visitors gate entry register w.e.f. 19-11-2016 to 01-02-2016 and also obtained the record of the vehicles whose registration number had figured in the invoices and the cell numbers and the addresses of the drivers were also obtained. Sahid S/o Isab Khan, Hemant S/o Kanhiya Lal, Ajay Upadhyay, Head HR, SYK Metals, Vedpal S/o Jaipal along with the petitioner and the Administration Head of the accused Company were also joined in investigation.

11. That the officials managing the purchase and sales of the accused company were also joined in investigation by the SIT.

12. That to controvert the contentions that had figured on record, the investigating agency rejoined the petitioner and he was conformed with contract regarding the scrap sales and he contended that the contract did not carry his signatures and further contended that he had never done the transactions with the accused company in cash and had never purchased any scrap nor had made any cash payment. The supplementary statement was recorded. The SIT thereafter rejoined the officials of the accused company and took into possession the original agreement of sale from Ajay Upadhyay.

13. That thereafter the finance company was joined in the investigations who contended that an amount of around Rs. 1 Crore was paid in cash by the petitioner on the account of sale of material vide challan instead of bills and further that the bills could not be generated as the petitioner had not provided any PAN number and TIN of his proprietorship firm and thereafter on the request of the petitioner the billing was done in the name of his company SYK Metals post demonetization. It transpired that the petitioner had sent payments on various occasions through his supervisor Sahid Khan, however, the petitioner kept on denying this. When the petitioner was confronted with various sales challan amounting to Rs. 1,21,72,735/-. However, the petitioner instead of admitting or denying the sales, simply contended that the signatures were not there on the last page of contract of sales w.e.f. 25-09-2016 to 28-10-2017 and further that his company had not entered into any contract with the accused firm. Thereafter, the SIT again issued the detailed questionnaire to the officials of the accused company and their responses were taken.

14. That the record of the sales and delivery of scrap was taken on record and was analyzed.

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15. That the perusal of the outward register vide which the scrap had been dispatched vis-à-vis the documentation so conducted, revealed that the entire documentation did not establish any foul play on part of the accused firm. The record perfectly tallied. It transpired that the complainant was nursing a grudge qua the accused company and the company had not allocated the contract of scrap purchase and account of the said grudge, the complainant had got registered a false case and there was no element of truth in the allegations so leveled. Accordingly, a cancellation report had been prepared in the matter on 19.11.2022, which has been submitted in the Court of competent jurisdiction.”

Since the investigation in the present case is complete and cancellation report has been submitted in the competent Court by the Police, therefore, the instant petition has been rendered infructuous.

Disposed of as having become infructuous.

(NAMIT KUMAR)
JUDGE

11.04.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No