

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30905-2018
Date of Decision: April 17, 2023

Jatinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

None for respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition is to quash FIR No.127 dated 18.06.2018, registered at Police Station Mataur, SAS Nagar, Mohali, under Section 473 of IPC and all the subsequent proceedings in pursuance thereof.

2. Concededly, petitioner is the husband of respondent No.2-complainant. It is also not in dispute that respondent No.2 is posted in Police department in NRI Wing, Phase-7, Mohali. FIR was lodged by her with the allegations that on 25.01.2018, she was on duty, when petitioner came to her posting place and threatened her. DDR No.1 dated 25.01.2018 was registered in Rajnamcha of NRI Wing. Matter was enquired into by the Assistant Inspector General of Police, NRI Wing. It was found that petitioner had come in a Skoda vehicle Fabia Car bearing Registration No. PB13E-3838 so as to threaten respondent No.2.

3. It is contended that the petitioner has been falsely implicated due to the influence of respondent No.2, who is a police official. Petitioner concedes that he had gone to the office of complainant on 25.01.2018 but submits that he had gone there to buy peace, inasmuch as he had earlier filed a petition under Section 9 of the Hindu Marriage Act, 1955, for a decree of Restitution of Conjugal rights, whereas the agitated complainant-respondent No.2 had managed to get registered an FIR No.30 dated 23.04.2017 under Section 498-A/406 IPC at Police Station Sadar Sangrur.

It is submitted further that he joined the necessary inquiry conducted by NRI Wing, Phase 7, Mohali, where he was pressurized by the colleagues of respondent No.2-complainant to transfer six acres of land in her name and to pay a sum of ₹25 lacs. Said demand was declined by him. A fresh complaint was made against him and kalandra under Section 107/151 Cr.P.C. was prepared, in which he was later on released on bail. Petitioner submits that no offence under Section 473 IPC is made out because he had submitted the original copy of registration of car No. PB-13AE-3838 and a certificate downloaded from Privahan Sewa of Government Website to support that he had not committed any crime.

4. In the reply filed by the respondent-State in the form of affidavit of Shir Amroz Singh, DSP, City-1, District SAS Nagar (Mohali), it is submitted that as per investigation, petitioner had come in Skoda Fabia Car PB-13E-3838 by using a forged number plate.

5. Having considered submissions of both the sides, I find merit in the petition.

6. Section 473 IPC reads as under: -

“Section 473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.

Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 467, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

7. As is evident from the abovesaid provision, in order to attract the same, it is required that accused makes or counterfeits any seal, plate or other instrument for making an impression, intending that same shall be used for the purpose of committing any forgery or with such intent, has in his possession any such seal, plate or instrument, knowing the same to be counterfeited.

8. In the present case, the only allegation against the petitioner is that he came to the office of the complainant in a car, which was supporting a forged registration number. Prosecution alleges that petitioner had come in a Skoda Car bearing registration No. PB-13E-3838, which is not of Skoda car and rather of some scooter; whereas petitioner has placed on record the copy of certification of registration of vehicle No. PB-13AE-3838, which is in the name of Jagrup Singh, stated to be the friend of the petitioner and which is in respect of a Skoda Car.

9. It clearly appears that vehicle No. PB13-AE-3838, has been replaced by PB-13E-3838 to falsely implicate the petitioner at the

influence of respondent No.2-complainant.

10. It has been held by the Hon'ble Supreme Court in '**State of Haryana and Ors vs Ch. Bhajan Lal**' - 1992 AIR 604, 1990 SCR Supl. (3) 259, as under: -

8.1. In the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code of Criminal Procedure, the following categories of cases are given by way of illustration, wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized kinds of cases, wherein such power should be exercised:

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. Having regard to the aforesaid legal principles and applying the same to factual position of this case, the allegations in the present FIR appear to be totally false and baseless. As such, FIR No.127 dated 18.06.2018, registered at Police Station Mataur, SAS Nagar, Mohali, under Section 473 of IPC and all the subsequent proceedings in pursuance thereof, are hereby quashed.

Accordingly, the present petition is allowed.

April 17, 2023
Sarita

(DEEPAK GUPTA)
JUDGE

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