

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

SR. No.109

CRR-678-2008 (O&M)
Date of decision:20.09.2023

Gurdev Lal

...Petitioner

Versus

Anil Arora and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. GPS Bal, Advocate for the petitioner.

Mr. Mohinder Singh Joshi, Addl.A.G., Punjab.

Mr. Raghav Sharma, Advocate for respondents No.2 to 4.

N.S. SHEKHAWAT, J.

1. Petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to challenge the impugned order dated 11.08.2007 passed by the Court of Judicial Magistrate 1st Class, Kapurthala, whereby an application moved by SSP Kapurthala for permission to hold further investigation in case arising out of FIR No.128 dated 21.09.2006 under Section 420 IPC read with Section 24 of the Immigration Act registered at Police Station Bholath was declined.

2. As per the case of the prosecution, a complaint was moved by Gurdev Lal against the accused namely Sarup Singh, Dev Raj (Anil Arora), Meenakshi Krishan @ Satnam Singh, Amit Arora and H.S. Kalra for committing a fraud of Rs.47,00,000/- with the complainant. After the

registration of the FIR in the present case, investigation was conducted and the statements of various witnesses were also recorded. The claims of the respondents were also mentioned by the witnesses, while making the statements during the course of investigation. Ultimately, the challan was duly presented against Suresh Chander (Sarup Singh), who was tried and was ordered to be convicted under Section 420 IPC and Section 24 of the Immigration Act and he was awarded maximum sentence to undergo R.I. for a period of three years. In the meantime, S.H.O. Police Station, Bholath presented a supplementary challan against 5 other accused, stating therein that the respondents had been found to be innocent. Consequently, the SSP, Kapurthala submitted an application before the Judicial Magistrate, 1st Class for not accepting the supplementary challan and sought the permission of the Court to conduct further investigation under Section 173(8) Cr.P.C. Vide the impugned order dated 11.08.2007, the Court of Judicial Magistrate 1st Class, Kapurthala declined the said prayer.

3. Learned counsel for the petitioner has argued that the prayer of police seeking further investigation has been wrongly declined as all the respondents were specifically named by the witnesses in their respective statements. Apart from that, there was sufficient evidence on record to show the complicity of the private respondents in the commission of the crime.

4. On the other hand, learned counsel for the respondents has argued that the respondents were found innocent during the course of investigation and there would be no justification in sending the matter for further investigation, at this stage, after a period of more than 17 years.

5. I have heard the learned counsel for the parties and perused the case file and find no ground to interfere with the impugned order passed by the Judicial Magistrate 1st Class, Kapurthala.

6. The trial Court had rightly recorded that nothing was brought on record as to what was the fresh evidence, on the basis of which, further investigation could have been ordered. Even during the course of arguments today, learned counsel for the petitioner as well as the respondents have failed to point out any material irregularity in the investigation conducted by the police. Even otherwise, the FIR in the present case was registered on 21.09.2006 and the principal accused Suresh Chander (Sarup singh) already stood convicted and sentenced by the competent court of law, there are no justifiable reasons for referring the matter for further investigation after a lapse of more than 17 years.

7. In view of the above-said discussion and keeping in view the facts and circumstances of the case, the present petition is hereby dismissed, being devoid of any merits. Pending application(s), if any, shall also stand disposed of.

(N.S. SHEKHAWAT)
JUDGE

20.09.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO