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

**CRM-M-28998-2021
Date of Decision: 11.08.2023**

Ranbir

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana for respondent No.1/State.

Mr. Kanwar Arun Singh, Advocate for
Mr. Gourav Gupta, Advocate for respondent No.2.

HARSH BUNGER J.

1. Petitioner (Ranbir) has filed the present petition under Section 482 of the Code of Criminal Procedure (*in short "Cr.P.C"*) for quashing of FIR No.230 dated 18.04.2016 (Annexure P-1), under Sections 120-B, 201, 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Sadar, Ratia along with all the consequential proceedings arising therefrom, including the judgment of conviction dated 18.03.2021 and order of sentence dated 22.03.2021 (Annexure P-2) passed by the Court of Sub Divisional Judicial Magistrate, Ratia, on the basis of compromise/affidavit (Annexure P-3) as the matter has been amicably settled between the parties.

2. Briefly, the aforesaid case FIR was registered on the complaint of respondent No.2, namely Deepak, son of Harichand resident of Village Brahamanwala, Tehsil Ratia, District Fatehabad. In the complaint it was stated that the complainant is an I.T.I. Electric Diploma holder and is

unemployed. As per the complainant-respondent No.2 (Deepak), the accused Ranbir (petitioner), who is employed as a Lineman in the Electricity Department, Fatehabad, met him along with another accused at Electricity Department, Hisar on 23.02.2014 and introduced themselves as Ramesh Garg and MD. It was alleged that on 14.04.2014, accused Ranbir (petitioner) met the complainant and said that if the complainant has any work in the Electricity Department, Hisar then let him know. It was further alleged that on 15.04.2014, accused Ranbir (petitioner) met the complainant and told him about recruitment for the post of Electrician/Lineman and took the mark sheet of complainant. As per the complainant, on 17.04.2014, accused Ranbir (petitioner) came to his house and received an amount of Rs.1,00,000/- in the presence of Hari Chand (complainant's father), Deshraj and Jaspal Singh on the pretext of procuring him employment in the Electricity Department and also kept his Detailed Marks Certificate (D.M.C.). It is also alleged that accused Ranbir (petitioner) issued a forged document of employment offer and also took the complainant to the Electricity Department, Hisar on 20.04.2014, where they met the other accused, who again assured for job within a week. As per the complainant, he was not employed in any Government Department and when he demanded his money back from accused Ranbir (petitioner) then he issued a cheque amounting to Rs.70,000/- drawn at H.D.F.C. Bank, however, the same was dishonored. It is stated that even subsequent thereto, accused Ranbir (petitioner) had been avoiding to return the money to complainant and on 06.03.2015, when the complainant along with his father went to the house of petitioner and demanded his money back then he extended threats to kill the complainant, whereupon a complaint was moved before the Station House Officer, Police Station Ratia and Superintendent of Police but

no action was taken on the same. Accordingly, a complaint was filed before the concerned Court, whereupon the then Sub Divisional Judicial Magistrate, Ratia issued order to the Police Station Ratia to conduct investigation in the matter, whereupon the aforesaid case FIR No.230 dated 18.04.2016 (Annexure P-1) was registered against the petitioner.

3. A perusal of the paper book reveals that upon registration of the aforesaid FIR, the matter was investigated, challan was presented and charges were framed. The trial in the aforesaid FIR culminated into the passing of judgment of conviction dated 18.03.2021 passed by the Court of Sub Divisional Judicial Magistrate, Ratia and vide a separate order of sentence dated 22.03.2021, the petitioner (Ranbir) was sentenced as under:-

S.No.	Offence u/s	Sentence
1.	201 read with 120-B of the Indian Penal Code	Rigorous imprisonment for six months, besides payment of fine of Rs.200/- and in default thereof, to further undergo simple imprisonment for one week.
2.	420 read with 120-B of the Indian Penal Code	Rigorous imprisonment for three years, besides payment of fine of Rs.500/- and in default thereof, to further undergo simple imprisonment for three months.
3.	467 read with 120-B of the Indian Penal Code	Rigorous imprisonment for three years, besides payment of fine of Rs.500/- and in default thereof, to further undergo simple imprisonment for three months.
4.	468 read with 120-B of the Indian Penal Code	Rigorous imprisonment for two years, besides payment of fine of Rs.200/- and in default thereof, to further undergo simple imprisonment for one month.
5.	471 read with 120-B of the Indian Penal Code	Rigorous imprisonment for two years, besides payment of fine of Rs.200/- and in default thereof, to further undergo simple imprisonment for one month.

4. Being aggrieved against the aforesaid judgment of conviction dated 18.03.2021 and order of sentence dated 22.03.2021 passed by the Court of Sub Divisional Judicial Magistrate, Ratia, the petitioner filed a criminal appeal, bearing CRA No.43 of 2021, before the Court of Sessions Judge, Fatehabad, which is stated to be pending.

5. The petitioner has filed the instant petition seeking quashing of FIR No.230 dated 18.04.2016 (Annexure P-1) and all the consequential proceedings arising therefrom, including the judgment of conviction dated 18.03.2021 and order of sentence dated 22.03.2021 passed by the Court of Sub Divisional Judicial Magistrate, Ratia on the ground that the matter has been amicably resolved between the parties vide compromise/affidavit (Annexure P-3).

6. Learned counsel for the petitioner submits that the allegations in the case FIR No. 230 (Annexure P-1) were levelled against petitioner (Ranbir) and one Deshraj, however during pendency of the trial, Deshraj expired. Learned counsel for the petitioner while reiterating the averments made in the petition, submits that in the instant case, vide order dated 19.04.2022, this Court had directed the parties to appear before the Magistrate to get their statements recorded in terms of compromise arrived at between them, whereupon a report has also been received from the Sub Divisional Judicial Magistrate, Ratia (Fatehabad) stating that the compromise arrived at between the parties appears to be genuine. Learned counsel for the petitioner submits that since the matter has been amicably resolved between the parties out of their free will and volition, accordingly it would be in the interest of justice as well as the society to quash the FIR and all the consequential proceedings arising therefrom.

7. On the other hand, learned State counsel submits that in the

instant case, there were serious allegations levelled against the petitioner, which have been duly proved during the trial and accordingly, the petitioner was convicted. It is submitted that it is not a simple case where a person has taken money from the other person and not returned the same and subsequent thereto, a case had been registered. Learned State Counsel contends that the petitioner (Ranbir) had received an amount of Rs.1,00,000/- from the complainant in the presence of witnesses, on the pretext of procuring employment for complainant in the Electricity Department and petitioner (Ranbir) had also obtained the Detailed Marks Certificate (D.M.C.) of the complainant and thereafter petitioner (Ranbir) issued a forged document of employment offer and also took the complainant to the Electricity Department, Hisar on 20.04.2014, where they met the other accused, who again assured for job within a week. It is further contended that when the complainant was not employed in any Government Department and when he demanded his money back then the petitioner (Ranbir) issued a cheque amounting to Rs.70,000/- drawn at H.D.F.C. Bank, however, the same was dishonored.

8. It is stated by learned State counsel that the allegations in the instant case were serious in nature as the petitioner along with another accused had impersonated and obtained money from the complainant for providing him Government job. Learned State counsel submits that the petitioner already stands convicted, accordingly, he prays for dismissal of the instant petition.

9. I have heard learned counsel for the parties and perused the paper book.

10. Having heard learned counsel for the parties, I am of the considered view that the allegation levelled against the petitioner (Ranbir)

are quite serious and the FIR disclosed that the petitioner (Ranbir) along with another accused had met the complainant at Electricity Department, Hisar on 23.02.2014 and introduced themselves as Ramesh Garg and MD. Petitioner (Ranbir) had received an amount of Rs.1,00,000/- from the complainant in the presence of witnesses, on the pretext of procuring employment for complainant in the Electricity Department and petitioner (Ranbir) had also obtained the Detailed Marks Certificate (D.M.C.) of the complainant and thereafter petitioner (Ranbir) issued a forged document of employment offer. In the backdrop of the aforesaid facts, the FIR came to be registered and the petitioner stands convicted also for offences under Sections 120-B, 201, 420, 467, 468 and 471 of the Indian Penal Code and sentenced accordingly.

11. In somewhat similar fact situation, Hon'ble Supreme Court in the case of ***“State of Madhya Pradesh v. Ravindra Singh Chauhan”***, **2017(3) RCR (Criminal) 724**, had set aside an order passed by the High Court of Madhya Pradesh Bench at Gwalior in M.Cr.C. No. 7448 of 2015 filed under Section 482 of Code of Criminal Procedure, 1973; quashing the criminal prosecution initiated for commission of offence under Sections 420, 467 and 468 of the Indian Penal Code, 1860, by observing as under:

“4. Having heard learned counsel for the parties at length, we are of the considered opinion that the High Court should not have quashed the criminal prosecution considering the nature of the allegation levelled against the accused. As the offence was quite serious one and the FIR discloses that the accused had impersonated as the Major of the Army putting on fake uniform of Major and moving in the vehicle having red light and offered job in Assam Rifles and cheated a sum of ₹ 7,40,000/- (Rupees seven lakh forty thousand only) and issued fake

appointment order. In the backdrop of the aforesaid facts, the offence came to be registered. It was however submitted by the learned counsel appearing on behalf of the accused that since the complainant has repudiated the aforesaid allegation the High Court was justified in quashing the FIR.

*5. We are of the considered opinion that considering the nature of the allegation and considering the law laid down by this Court in **State of Maharashtra v. Vikram Anantrai Doshi & Ors. [2014(4) RCR (Criminal) 381 : 2014(4) Recent Apex Judgments (R.A.J.) 382 : (2014)15 SCC 29]** the impugned order is not sustainable....*

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6. In view of the aforesaid dictum of this Court, the High Court ought to have taken into consideration the facts and circumstances of the case before quashing the prosecution considering the serious nature of the allegation in which the impersonation has been made and fake appointment letter had been issued that too for the purpose of recruitment in Assam Rifles. It was such a case, which could not have been quashed by the High Court. Thus, we unhesitatingly set aside the order passed by the High Court and remit the case to the trial court for trial in accordance with law...”

12. In view of the aforesaid dictum of the Hon'ble Supreme Court and considering the manner in which the impersonation has been made by the Petitioner (Ranbir) and a forged document of employment offer was issued for procuring employment for complainant in the Electricity Department, more so when the petitioner already stands convicted; I am of the considered view that no case is made out for quashing of FIR No.230 dated 18.04.2016 (Annexure P-1), under Sections 120-B, 201, 420, 467, 468

and 471 of the Indian Penal Code, registered at Police Station Sadar, Ratia along with all the consequential proceedings arising therefrom, including the judgment of conviction dated 18.03.2021 and order of sentence dated 22.03.2021 (Annexure P-2) passed by the Court of Sub Divisional Judicial Magistrate, Ratia, on the basis of compromise/affidavit (Annexure P-3).

13. Present petition is accordingly dismissed.

14. The observations made in this order shall not come in the way of the lower Appellate Court in deciding the criminal appeal filed by the petitioner, in accordance with law.

15. All pending application(s), if any, shall also stand closed.

11.08.2023

(HARSH BUNGER)

Apurva

JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No