

258

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7151-2016 (O&M)

Date of decision: 12.09.2023

Prem Chand Gupta

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Narinder Singh, Advocate for
Mr. K.S.Kang, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr. B.P.S.Virk, Advocate
For respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 99 dated 16.09.2015 (Annexure P-1), registered under Sections 409 and 420 IPC, at Police Station, Kotwali Nabha, Patiala along with all other consequential proceedings arising therefrom.

2. Learned counsel for the petitioner *inter alia* submits that initially the complainant had filed a petition under Section 156 (3) Cr.P.C. seeking directions for registration of FIR against the petitioner. Vide order dated 26.02.2015 (Annexure P-5), the request was declined and the case was fixed for leading the evidence by the complainant. The said order was challenged by way of filing a revision petition before learned Additional Sessions Judge, Patiala which was also dismissed on 05.03.2015 (Annexure P-6).

2.1 Thereafter, the complainant led his evidence and even the complaint was dismissed vide order dated 27.07.2015 (Annexure P-7). The said order was never challenged by taking re-course to any further legal

proceedings. But the FIR was lodged on 16.09.2015 in which the benefit of anticipatory bail was declined by learned Additional Sessions Judge, Patiala vide order dated 04.11.2015 (Annexure P-13).

2.2 It is further submitted that the petitioner was working as an Ahlmad and his father Kulwant Rai was a tenant and there was a dispute regarding payment of rent etc. in 1992 between the landlord and the tenant which led to filing of various eviction petitions by Hardial Krishan Caplash, the landlord.

2.3 Learned counsel for petitioner further submits that the allegations regarding the misplacing of the site plan from the Court record, is without any basis, since the ownership is now with the wife of the petitioner, who had purchased the property in 1997 on the strength of a power of attorney. The dispute thereafter has been taken on by the complainant on account of which the present FIR has now been registered.

2.4 He further submits that the inquiry was only a report submitted by the Special Judicial Magistrate, CBI on 04.02.2015 and, thereafter, also a show cause notice dated 24.02.2015 was issued to the petitioner, which is being contested by filing a detailed reply, wherein it has been mentioned that the complaint pertains to a period 23 years earlier. He further submits that upon registration of FIR, petitioner was granted anticipatory bail vide order dated 10.11.2015 (Annexure P-15). and thereafter vide order dated 17.12.2015 (Annexure P-16), earlier bail order dated 10.11.2015 (Annexure P-15) was made absolute.

3. Per contra, learned counsel for the complainant, at the outset, apprises that not only the entire prosecution evidence is over but even statement under Section 313 Cr.P.C. of the accused has also been recorded and matter is now fixed for defence evidence.

4. Impugned FIR Annexure P-1 under Section 409/420 IPC was lodged on the basis of application dated 12.09.2015 submitted by Ajay Batta son of Gian Singh resident of Nabha to the Senior Superintendent of Police, Patiala. Crux of the relevant allegations therein against Prem Chand petitioner is that while working as Ahalmad in the Court, he had removed the site plan from the court file and in connivance with other persons got the sale deed from the property of Ajay Batta executed in the name of his wife on the basis of forged GPA of Hardyal Krishan by depicting wrong dimensions of his adjoining property.

4.1 In the premise, at this belated stage, prayer for quashing of FIR cannot be entertained, since the entire trial is almost over. No grounds are made out to interfere. Dismissed.

5. Needless to say that learned trial Court will proceed further and decide the case on merits, in accordance with law without being influenced by the instant order.

6. Pending application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

12.09.2023
Vandana

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