

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

CRM-M-47142 of 2021

Date of Decision: April 19, 2023

Gulzar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Sidhu, Senior Advocate with
Mr. Praagbir S. Dhindsa, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.

Prayer in this petition is to quash FIR No.260 dated 30.12.2016 under Section 409 IPC registered at Police Station Dera Bassi, District SAS Nagar (Mohali) (Annexure P.4), and report under Section 173 Cr.P.C (Annexure P.5) and the subsequent proceedings.

2. FIR in question was lodged on the complaint of Deputy Registrar, Co-operative Societies, SAS Nagar, as per which petitioner – Gulzar Singh during his posting as Assistant registrar, Co-operative Society, Dera Bassi had received two proceedings registers from the concerned Rural Co-operative Residential Constructions Society Limited but after his transfer, he did not return the said proceedings registers to the new Registrar, Co-operative Society, Mohali. FIR was registered. After necessary investigation, challan was filed.

3. It is contended by learned counsel for the petitioner that in his official capacity, petitioner used to visit Vikas Bhawan, the official Headquarter of the Co-operative Department along with requisite record called by the Registrar, Co-operative Societies; that on 14.08.2015, when

the petitioner visited Vikas Bhawan, the official record of the Co-operative Society in question was kept in the dicky of his scooter, but out of that record, two registers were misplaced, regarding which he got recorded DDR at Police Station, Phase VIII, SAS Nagar, Mohali on 07.10.2015 i.e. much prior to the registration of the present FIR. Copy of the said DDR is Annexure P.2. It is submitted that in view of the said DDR got recorded by the petitioner, there could be no question of misappropriation and so the FIR in question, filing of the challan and subsequent proceedings cannot be sustained.

4. Apart from above, it is further submitted that departmental proceedings were initiated against the petitioner in which he was exonerated by the Special Secretary to Government Punjab, Department of Cooperation, vide order dated 02.06.2017, copy of which is Annexure P.1. Petitioner has since retired as Senior Officer of the State Government having unblemished record.

5. Learned State Counsel could not refute the afore-said contentions.

6. Perusal of Annexure P.2 reveals that Rapat Roznamcha No.37 dated 07.10.2015 was duly got recorded by the petitioner in the Police Station Central, Phase VIII, SAS Nagar, Mohali regarding misplacing of the two proceedings registers and in these circumstances, there can be no question of any misappropriation so as to attract Section 409 IPC.

7. Consequently, the present petition is allowed and FIR No.260 dated 30.12.2016 under Section 409 IPC registered at Police Station Dera Bassi, District SAS Nagar (Mohali) (Annexure P.4), and

report under Section 173 Cr.P.C (Annexure P.5) and the subsequent proceedings are hereby quashed.

April 19, 2023
renu

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No