

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44358-2023 (O&M)
Date of decision: 06.09.2023

Ram Kishan Tanwar
... Petitioner(s)
Versus
State of Haryana
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Jagmohan S. Ghumman, Advocate
for the petitioner(s).
Mr. Manish Bansal, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	9.5.2023	Anti Corruption Bureau, Faridabad	120-B, 218 IPC and Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

1. Seeking quashing of FIR, captioned above, the petitioner-accused has come up before this Court under Section 482 CrPC. The aforesaid FIR came into existence after an inquiry was ordered by the Additional Chief Secretary, Vigilance Department, State of Haryana.
2. The complainant had informed the Government that he had ancestral property in Village Anangpur and they were recorded as owners in revenue records. However, the Excise Department gave permission to run illegal vend on that land and the Municipal Corporation officers prepared some forged receipts. The enquiry further revealed that co-accused - Pradeep Kumar, who was a Junior Engineer, had been deputed to physically inspect the spot and prepare a report. On 3.5.2016, he gave a report to the effect that after physical verification of the spot, he noticed that on the main gate, there was a seal 'MCF' (Municipal Corporation, Faridabad). The building on which the liquor vend was running, its possession had to be taken by HUDA through

Estate Officer and as such, proceedings were initiated. Thereafter, vide another report dated 3.5.2016 as well as 29.5.2016, the concerned Junior Engineer again mentioned that he found seals of ‘MCF’ on the gate of the said plot. Thus, before taking possession, it would be appropriate to contact the Municipal Corporation, Faridabad and then, in subsequent proceedings, the estate officer should proceed after getting the said report from Municipal Corporation, Faridabad. After that, the Estate Officer sent letter dated 24.7.2018 to the Municipal Corporation, Faridabad, asking it to specify about the seal. The enquiry revealed that in fact, there was no seal of ‘MCF’ and false report was given so that the liquor vend, which was on the land of HUDA, may remain in the possession encroacher and should continue to run.

3. The petitioner, who was posted as Sub Divisional Engineer (Survey), to the Estate Officer, HUDA, Faridabad had forwarded all the three reports made by the co-accused Junior Engineer, Pradeep Kumar, ascertaining and verifying the factual position. The petitioner seeks quashing on another ground that that the investigating agency did not receive any receipt from the office of Municipal Corporation, Faridabad that any seal was affixed on the doors.

4. This argument itself is misconceived, because the crux of the allegations against the petitioner and co-accused Pradeep Kumar are that they showed the property to be bearing the seal ‘MCF’, whereas there was no such seal and allowed the encroacher to continue in possession of the property.

5. Given above, whether the allegations are correct or not, need application of mind on the basis of evidence adduced at the level of the trial court and this Court while exercising its jurisdiction under Section 482, would not and cannot enter into this question. Needless to say that if all the allegations are accepted to be correct on its face value, the case *prima facie* appears to be against the petitioner. As such, in the facts and circumstances peculiar to this case, there is no case worth issuing notice.

6. The petition is dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

September 06, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No