

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-48594-2023

Date of decision: 31.10.2023

Sanjay Kumar Alias Sanjay Mittal

.....Petitioner

Versus

Central Bureau of Investigation and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Rajeev Anand, Advocate for CBI.

Mr. K.K. Gupta, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed for deleting the name of the petitioner rice mill and for quashing FIR No.RC 216 2023 A 0001 dated 10.01.2023 registered under Sections 7, 8, 9, 10 and 12 of the Prevention of Corruption Act, 1988 along with Section 120-B of the IPC registered at CBI/AC-1, new Delhi.

2. Learned counsel for the petitioner contends that the petitioner is a partner in the firm, which has been mistakenly named as an accused in the complaint. Furthermore, it has been argued that Bittu Khullar, against whom allegations were raised in the complaint, was erroneously portrayed as a partner of M/s Krishna Agro Industries, when, in reality, it was a company belonging to the petitioner. It is emphasized that Bittu Khullar had no affiliation with the petitioner's firm and was, in fact, the husband of Usha khullar, who was a partner in Krishna Industries. The inclusion of the petitioner's firm as an accused

is clearly a mistake, stemming from a confusion between M/s Krishna Agro and Krishna Industries. A prayer has, therefore, been made for the quashing of the instant petition.

3. On the contrary, the learned counsel for the respondents oppose the plea of the petitioner. It is asserted that the petitioner lacks the legal standing to file the present petition, as he has not even been named as an accused in the complaint. Moreover, it is argued that the allegations against the firm M/s Krishan Agro are grave, as the firm, along with other co-accused, is accused of operating a syndicate to bribe officials in exchange for favors. Additionally, some of the co-accused were caught red handed. Furthermore, it is stressed that since the matter is still under investigation, the instant petition is premature.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The power conferred on this Court under Section 482 of the Cr.P.C., no doubt, is wide, but the same has to be exercised sparingly and with a great deal of circumspection.

6. This Court finds substance in the submissions made by the learned counsel for the CBI qua the petitioner having no locus to file the instant petition. The petitioner has admittedly not been arrayed as an accused in the FIR in question. Learned counsel for the petitioner has submitted that he has approached this Court under Section 482 of the Cr.P.C., on behalf of his firm i.e. M/s Krishan Agro, which has been arrayed as an accused in the instant case. However, the petitioner has not even made his firm, on behalf of whom he has approached this Court a party in the present petition. Thus, this Court has no hesitation

to hold that the petitioner has no locus standi to file the present petition.

7. Furthermore, the investigating agency has a statutory right to investigate cognizable offences which this Court would loath to take away in a routine manner moreso, when the investigation of the case is still at a nascent stage.

8. No ground is, thus, made out to accept the prayer of the petitioner for quashing of the FIR in question, which as not disputed by him, is pending investigation.

9. Dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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