

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

1. CRM-M-46825-2019 (O&M)
Date of decision: 05.05.2023

Joginder SinghPetitioner
Versus

State of Haryana and anotherRespondents

2. CRM-M-31908-2020 (O&M)

Kirti BalaPetitioner
Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lalit Goyal, Advocate
for the petitioner in CRM-M-46825-2019.

Mr. Manav Bajaj, Advocate for
for the petitioner in CRM-M-31908-2020.

Ms. Savneel Jaswal, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J.

1. This order shall dispose of the above referred two petitions where the petitioners are seeking quashing of same FIR No.490 dated 06.09.2015 under Sections 419, 420 and 120-B of the IPC registered at police Station Narnaund, District Hisar as well as Police Report under Section 173 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') dated 16.07.2016 which has been presented against them along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners *inter alia* contend that false allegations were levelled against them of having cleared examination of Haryana School Teacher Eligibility Test, 2009 by

CRM-M-46825-2019 (O&M)
CRM-M-31908-2020 (O&M)

impersonation since the sample of their thumb impressions and signatures mismatched with the ones given at the time of the examination in question. However, pursuant to an order passed by this Court in CWP-3-2011 dated 03.08.2015 (Annexure P-1), when the signatures on the attendance sheet as well as the thumb impressions on Optical Mark Reader (OMR) of all the candidates including the petitioners were sent for comparison to the Forensic Science Laboratory the allegations levelled against them of impersonation during the examination of Haryana School Teacher Eligibility Test, 2009 stood negated. Learned counsel while drawing the attention of this Court to Annexure P-6, which is a status report of Joint Director, Directorate of Elementary Education, Haryana, Panchkula, submits that the petitioners had since been given a clean chit by the Director, Elementary Education, Haryana in view of the report received from the FSL as there was no evidence or material to support the allegations of impersonation levelled against them. They have further drawn the attention of this Court to the reply filed by the Block Education Officer, Narnaud wherein it stands reflected that the petitioners were found innocent and that the respondent department would thus have no objection if the FIR in question was quashed qua the petitioners.

3. Learned State counsel on instructions has fairly conceded that no evidence or material had come to light qua the involvement of the petitioners much less to support the allegations of impersonation against them. Learned State counsel thus does not oppose the prayer and submissions made by the counsel opposite of quashing the FIR in question qua the petitioners.

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

5. In view of the reply by the Block Education Officer, Narnaud coupled with No Objection given by the learned State counsel, the continuation of criminal proceedings against the petitioners, without a doubt, would be nothing but an abuse of the process of law.

6. As a sequel to the above, this Court deems it fit to quash the FIR in question along with all subsequent proceedings arising therefrom qua the petitioners.

7. Accordingly, the instant petitions are allowed and the FIR in question along with all consequential proceedings arising therefrom including the police report under Section 173 of the Cr.P.C. is quashed qua the petitioners.

05.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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