

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-54818-2023 (O&M)

Date of decision: 06.11.2023

Joginder Kumar Miglani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naresh Kumar Khepar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking quashing of order dated 20.03.2017 (Annexure P-1) passed by learned JMIC, Ludhiana in Complaint bearing No.CRM 794 of 2016 dated 10.10.2016 and consequential proceedings arising therefrom including FIR No.83 dated 28.03.2017 under Sections 466/467/468/469/471/472/420/120-B of the IPC and Section 201 of the IPC added lateron registered at Police Station Daba, District Ludhiana (Annexure P-2).

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner. In fact, it is in retaliation to the registration of an earlier FIR No.236 dated 01.11.2014 under Sections 389/420/506/120-B of the IPC at Police Station Division No.5, District Ludhiana, against the complainant by his co-accused Vijay Kumar Goyal. It has also been further contended that it is also a matter of record that there is a history of litigation between the complainant and co-accused Vijay Kumar Goyal.

3. Learned counsel has furthermore argued that the

allegations levelled in the FIR in question lack substance, as is evident from the fact that the police had previously filed a cancellation report, which though was not accepted by the learned JMIC. Subsequently, a supplementary challan was also filed against the petitioner, however, even therein there was no mention of the involvement much less any role played by the petitioner in the crime in question.

4. Learned counsel has still further submitted that it is a matter of record that the complainant had on earlier occasions also filed multiple applications under Section 156(3) of the Cr.P.C. against various individuals, which in turn were dismissed by the Courts below. In support, learned counsel has drawn the attention of this Court to Annexures P-3 to P-5. It has, therefore, been vehemently asserted that it is evident that the complainant is in the habit of filing frivolous and baseless cases and the entire exercise in this case as well is just another attempt on the part of the complainant to falsely implicate and harass the petitioner.

5. I have heard learned counsel and perused the relevant material on record.

6. As per allegations, co-accused Vijay Kumar Goyal along with the petitioner and other accused produced a fake and fabricated order dated 13.01.2023 of Hon'ble the Supreme Court, in the Court of learned Additional Sessions Judge, Ludhiana. The learned Additional Sessions Judge, Ludhiana, upon taking note of the fake order, denied the concession of anticipatory bail to the complainant who was the accused therein. Subsequently, on 06.09.2016, co-accused Vijay Kumar Goyal once again produced the forged and fabricated order dated

13.01.2013 of Hon'ble the Supreme Court along with some other documents before the Court of learned Additional Sessions Judge, Ludhiana. This was in context of a criminal revision filed by the complainant against an order dated 20.11.2015. The initial order of the Hon'ble Supreme Court dated 13.01.2013 was placed on judicial record by the learned Additional Sessions Judge, Ludhiana on 06.09.2016. Following this, the Assistant Registrar of Hon'ble the Supreme Court of India forwarded a report dated 19.09.2016, stating that since the fabricated order dated 13.01.2013 pertained specifically to the applicant, the applicant had submitted a complaint to the authorities though no case had been registered against the accused persons. Based on the allegations, a supplementary challan was then presented against the petitioner.

7. The petitioner is seeking quashing of order dated 20.03.2017 (Annexure P-1). It would be pertinent to emphasize that while exercising its inherent jurisdiction under Section 482 of the Cr.P.C., this Court has to be extremely circumspect and it is only in exceptional cases that the inherent powers of this Court under Section 482 of the Cr.P.C. should be exercised. Coming to the case in hand, a perusal of the allegations levelled in the FIR in question prima facie reveal that the essential elements required to establish the alleged offences are clearly made out. This Court, at this stage, cannot be expected to delve into truthfulness or otherwise of the allegations levelled against the petitioner. The pleas of false implication and there being a history of strained relations between the complainant and co-accused Vijay Kumar Goyal, cannot be delved into at this stage as the

Court is not expected to inquire into the veracity or otherwise of the same. The petitioner shall get ample opportunity to prove his case during trial on the touchstone of cross-examination.

8. As a sequel to the above, finding no merit in the instant petition, the same is dismissed in *limine*.

9. 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.

06.11.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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