

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-58728-2022 (O&M)
Reserved on: 11.10.2023
Pronounced on: 17.10.2023

Chain Singh Gautam & another

... Petitioner(s)

Versus

State of Haryana

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. R.S. Dhull, Advocate
 for the petitioner(s).

 Ms. Shubhra Singh, Addl.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
953	8.11.2022	Shahabad, District Kurukshetra	120-B, 406 and 420 IPC

1. Seeking quashing of FIR registered on a complaint filed by Harbir Singh with the allegations that the petitioner and his accomplices had extracted a sum of Rs.1,51,00,000/- from him in order to appoint him as Chairman of Khadi Gram Udyog, Haryana and RO System tender, regarding which the complainant made complaint to the Home Minister that despite taking money, he was not appointed, which led to registration of FIR captioned above, the petitioner-accused has come up before this Court seeking its quashing.
2. Vide order dated 19.12.2022, the coordinate Bench of this Court had observed that why FIR was not registered against the complainant for paying illegal gratification, for getting a Government job, and based on this, the police registered an FIR even against the complainant - Harbir Singh.
3. In paragraph 3 of the petition, the first ground taken by the petitioners for quashing of the FIR in question is that its registration was misuse of the process of law and no cognizable offence is made out against the petitioners. This argument is fallacious. A perusal of the FIR, captioned above, reveals that not only the complainant

Harbir Singh explicitly alleged that the petitioners and their accomplices demanded Rs.2 crores from the complainant for Charimanship of Khadi Gram Udyog and Rs.75 lac for RO System tender, but also demonstrated that he had given Rs.1,51,00,000/- on various dates after selling his land and also borrowing some money from relatives. As per the State, it has been found during investigation that the complainant had sold his land to get this money.

4. The question before this Court is that the complainant will certainly not have any evidence to show that the entire amount of Rs.1,51,00,000/- was paid to the petitioners-accused, for the reason that some of corrupt Government employees have spoiled the system so badly that in order to adjust their ill-gotten money, they invest in properties and the value of the circle rates of most of the properties is kept at the lowest possible, so that the money which is paid towards registration of the said land is a small share of the actual sale consideration. This Court cannot close its eyes from the ground-realities that even the genuine deals in the land are shown less in the sale deed to save taxes. Thus, simply because the evidence would not have shown receipt of entire amount of Rs.1,51,00,000/-, in white, i.e. sale deed consideration or otherwise, it would not lead to final conclusion that the petitioners did not pay that much of money. This reasoning is given because of ground-realities which have been discussed above. In addition to that, a perusal of the FIR points out towards the allegations of payment of huge money and this Court cannot brush them aside. Now, the petitioners want this Court to disbelieve the complainant Harbir Singh. However, they did not implead him as a respondent in this petition, as is apparent from the memo of parties. This conduct further fortifies the malicious intent of the petitioners. Thus, the first ground taken by the petitioner is not made out and is rejected.

5. Second ground taken by the petitioners is stated in paragraph 6 of the petition, in which they claim to be Government servants. Simply because somebody is in Government service, is not a ground for quashing of the FIR.

6. In paragraph 7 of the petition, without arraigning the complainant as party, it has been stated that the complainant a notorious cheater and a criminal person. Since he acquired a cheque of Umesh Kumar, which he had misplaced somewhere, he started blackmailing and harassing the petitioners. However, such misplacement of cheque has nothing to do with it and the FIR in question cannot be quashed on that ground.

7. In paragraph 14 of the petition, the petitioners have taken general grounds for quashing of the FIR. However, it independently does not make out a case for quashing on the ground that the complaint made by the complainant should be disbelieved, even

when he was not made a party in the present petition.

8. Be that as it may, on perusal of the complaint, it *prima facie* makes out a case against the petitioners. It is not a situation in which this Court believes every allegation on the test of reasonableness and prudence.

9. Thus, in the entirety of facts and circumstances of the case, the complainant does point out towards *prima facie* case against the petitioners and it is not a case for quashing.

10. **Accordingly, the present petition dismissed.** All pending applications, if any, also stand disposed of.

11. However, it is clarified that in case prosecution is launched against the petitioners, the trial Court shall not take recourse to the observations made by this Court at the cognizance stage.

(ANOOP CHITKARA)
JUDGE

October 17, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No