

CRM-M-62188-2023
Date of decision: 11.12.2023

Pawan Kumar

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. I.P.S.Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 02.11.2023 passed by the learned Chief Judicial Magistrate, Tarn Taran (Annexure P-4) vide which the application filed by the petitioner/complainant under Section 294 Cr.P.C. stands dismissed.

Learned counsel for the petitioner *inter alia* contends that the respondent cannot possibly deny the existence of registration of FIR and filing of final report before the concerned jurisdictional Court on the complaint made by the petitioner. The FIR No.65 dated 08.04.2016 under Section 420 IPC has been registered at Police Station City Tarn Taran against respondent No.2. The learned trial Court has fell into an error by rejecting the prayer made by the petitioner.

Having heard learned counsel for the petitioner and after perusing the records, this Court finds no ground to interfere with the impugned order.

The perusal of application filed by the petitioner, the reply filed by respondent

No.2 and impugned order clearly indicate that fundamental issue which is required to be shown by either of the parties who seeks to invoke the provisions of Section 294 Cr.P.C. or 311 Cr.P.C. with regard to the documents being essential for the just decision of the case. The impugned order indicates that the allegations in the FIR are with regard to some agreement to sell in which liability of respondent No.2 is separate from the complaint made under Section 138 of the Negotiable Instruments Act and both the proceedings have no relation with each other and the facts alleged in the FIR with regard to the alleged cheating committed by respondent No.2, and the complaint with regard to dishonour of cheque are distinct and separate in nature, as such being devoid of merit, the present petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

11.12.2023
Neha

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