

CRM-M-2128-2020 (O&M)
Decided on: 11.01.2024

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Surjeet Singh Sodhi, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
28	11.10.2019	Vigilance Bureau Ferozepur	409, 419, 420, 465, 467, 468, 471, 120-B IPC and 13(1)(A), 13(2) of PC Act (Amendment) Act 2018

1. Seeking quashing of the above captioned FIR, the petitioner has come up before this Court by filing the present petition under Section 482 CrPC, on 15.01.2020 and since then, the matter is keep on adjourning for one reason or the other. Notice in this case has not been issued till date.
2. I have heard counsel for the petitioner and gone through the record to find out that petition is worthy for issuance of notice or not.
3. The FIR was because of the construction of houses for beneficiaries of Village Neola and other villages, in which the petitioner was found to be involved.
4. Counsel for the petitioner submits that he was neither sanctioning authority nor signatory of any of the cheques and he has only performed his duties. He further submits that no complaints have been received against him and the complainant has leveled allegations against the private persons, who impersonated and opened fake accounts to take benefits of grant and petitioner had nothing to do with the same.
5. The present FIR originated because of a complaint filed by one Raj Kumar Ahuja, Sarpanch of Gram Panchayat Neola, Tehsil and District Fazilka. On 02.01.2015, complaint was addressed to National Level Monitor, Ministry of Rural Development, New Delhi. The complainant alleged the non-payment of Rs.45,000/- to actual beneficiaries under

Rs.45.90 lacs dated 28.04.2011 was issued by the Government in the name of BDPO Fazilka and he was directed to pay a sum of Rs.45,000/- to each villager for constructing their houses. After that another cheque for Rs.56,25,000/- was issued. In para 2 of the complaint, the complainant mentioned the name of nine persons who were entitled to payment but no money was paid to them and it was misappropriated. It was further alleged that one Lal Singh had obtained money by fraud. After that the said Raj Kumar Ahuja filed a petition before this Court bearing CRM-M No.35353-2016, which was decided on 14.12.2016 when the State informed the Court that complaint filed by Raj Kumar Ahuja had been sent for investigation. After that it lead to registration of FIR captioned above.

6. Counsel for the petitioner submits that investigation is still pending and it is unnecessarily causing emotional stress and psychological harm to the petitioner who was not at all at fault. He further submits that he was neither sanctioning authority nor any cheque had contained his signatures. Petitioner's further submission is that there is no allegation against the petitioner regarding misappropriation of wrong identification or connivance.

7. Even as per petitioner himself, investigation is still continuing and had not been closed. Neither cancellation report has been filed nor prosecution has been launched by filing report under Section 173 CrPC. Needless to say that if the investigator does not find any evidence against the petitioner then certainly he cannot launch any prosecution against him. But this Court cannot assume that the investigator did not find any evidence connecting the petitioner with the crime. Even as per petitioner's own case, investigation has not been completed yet, which would further restrict the powers of this Court to disrupt the said investigation before they are completed. As such, there is no case for quashing of FIR, however considering the fact that investigation is pending for such a long time, State is directed to complete the investigation, preferably within three months and not later than four months. Liberty reserved to the petitioner to come to this Court again in case need arises.

8. Petition is dismissed with the aforesaid observations and liberty. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.01.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.