

205

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-1251-2017 (O&M)

Date of Decision: 05.03.2024

Jasbir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajveer Singh Brar, Advocate for
Mr. Vikram Anand, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed, under Section 482 of Code of Criminal Procedure, 1973 for quashing FIR No. 370 dated 06.10.2016 registered under Section 406 IPC at Police Station, Sector-5, District Panchkula along with all consequential proceedings.

2. Above FIR was registered on the statement of one Anil Kumar with the allegations that on 02.07.2015, Rajan Khurana and his father-Ram Nath Khurana borrowed his Skoda Laura car bearing registration No. HR-31-F-0002 for going to Jalandhar. Later on, he came to know that they had handed over the said car to present petitioner, but he has refused to return the same.

3. Learned counsel for petitioner contends that present FIR has been registered against the petitioner as a counter-blast to the complaint dated-nil (P-6) filed under Section 138 of Negotiable Instruments Act, 1881 (for short 'Act'). Also contends that on earlier occasion, FIR No. 18 dated 13.01.2014 (P-11) under Sections 420, 465, 467, 468, 471 & 474 IPC was registered by the petitioner against aforesaid Rajan Khurana; thus, informant/Anil Kumar has implicated the petitioner in the present case as a pressure tactics.

4. *Per contra*, ld. State counsel while opposing the prayer submits that aforesaid litigation has no concern with the petitioner and recovery of alleged car is yet to be effected from him; thus there is no occasion to quash the FIR, at this stage, when investigation is still pending.

5. Heard learned counsel for the parties and perused the paper-book.

6. After going through the contents of complaint (P-6), it transpires that it was filed under Section 138 of the Act by one Manmohit Singh Sandhu against Rajan Khurana and his father Ramnath Khurana. Even the FIR No. 18 dated 13.01.2014 (*supra*) was registered by one Ms. Ankuna Sayal against aforesaid Rajan Khurana. Thus, petitioner is neither a party to the complaint under Section 138 of the Act (*supra*); nor having any concern with the FIR No.18 dated 13.01.2014. Hence, the argument raised by learned counsel for petitioner that present FIR has been registered as a pressure tactics, is having no substance. Moreover, as contended by learned State counsel, the recovery of alleged car is yet to be effected and investigation is stated to be still going on; therefore, no ground is made out to quash the FIR, at this stage.

7. In view of the above, there is no option, except to dismiss the petition.

8. Ordered accordingly.

9. The above observations made above be not construed as an expression of opinion on the merits of controversy in any manner.

10. Pending application(s), if any, shall also stand disposed off.

05.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No