

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

122

2024:PHHC:038969

CRM-M-14236-2024

Date of decision: March 19th, 2024

Sumit Garg

.....Petitioner

Versus

Anoop Chand

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shivam Sharma, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking quashing of criminal complaint dated 21.01.2017 bearing No.COMI-43-2017 titled as ‘Anoop Chand Versus Sumit Garg’ under Sections 379, 419, 420, 406, 467, 468, 471 and 506 of the IPC and summoning order dated 08.09.2023 passed by learned JMIC, Amloh, along with other consequential proceedings arising out of it.

2. Learned counsel for the petitioner, *inter alia*, contends that a civil dispute between the parties is being given a criminal colour; the dispute pertains to the purchase of a car by the complainant through OLX App, which was subsequently found to be stolen. Learned counsel submits that he himself had been a *bona fide* purchaser of the stolen vehicle and it was transferred by him to the complainant without any knowledge of it a being stolen property. It has been submitted that the learned trial Court had erroneously summoned the petitioner despite the ingredient of Section 420 of the IPC not being made out.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Learned counsel for the petitioner has raised disputed questions of facts, which cannot be gone into by this Court in the exercise of its inherent jurisdiction under Section 482 Cr.P.C. 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 impugned order as well as the complaint *prima facie* reveals that the essential elements required to establish the offences under Section 420 of the IPC are made out. This Court, at this stage, cannot be expected to delve into truthfulness or otherwise of the allegations leveled against the petitioner.
5. Accordingly, the petition stands dismissed.

March 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No