

CWP-9911-2021 (O&M)  
CRM-M-48888-2023 (O&M)  
CRM-M-48945-2023 (O&M) and  
CRM-M-48961-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.

230 (04 cases)

Date of Decision: 04.12.2024.

(1) CWP-9911-2021 (O&M)

MRIDUL KAPRI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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(2) CRM-M-48888-2023 (O&M)

CHETAN SABHARWAL

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

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CWP-9911-2021 (O&M)  
CRM-M-48888-2023 (O&M)  
CRM-M-48945-2023 (O&M) and  
CRM-M-48961-2023 (O&M)

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(3) CRM-M-48945-2023 (O&M)

CHETAN SABHARWAL

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

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(4) CRM-M-48961-2023 (O&M)

CHETAN SABHARWAL

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

**Present:** Mr. N.P. Bhardwaj, Advocate,  
for the petitioner in CWP-9911-2021.

Mr. Ashwani Bhardwaj, Advocate,  
for the petitioners in CRM-M-48888-2023;  
CRM-M-48945-2023; and CRM-M-48961-2023.

Mr. Pankaj Mulwani, DAG, Haryana,  
for respondents No.1, 3, 4, 6 and 7.

Ms. Akshita Chauhan, DAG, Punjab,  
for respondents No.2, 5 and 8.

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Ms. Prabhdeep Kaur, Advocate, for  
Mr. B.S. Jattana, Advocate,  
for respondent No.12.

None for respondents No.9 and 11.

**VINOD S. BHARDWAJ. J (ORAL)**

All these four petitions are being decided by a common order with the consent of the parties as the question of law which arises for determination is the same.

2 The facts are being extracted from **CWP-9911-2021** titled as **“Mridul KapriVs. State of Haryana and others.”**

3 Prayer made in the aforesaid writ petition is for seeking quashing of following FIRs along with all the consequential proceedings arising therefrom:-

*“a) FIR No. 357 dated 15.09.2020 (Annexure-P-6) U/s 406/420 IPC registered at Police Station Pundri Dist. Kaithal, Haryana.*

*b) FIR No. 380 dated 02.10.2020 (Annexure-P-8) u/s 406/420/370 IPC & u/s 24 of Emigration Act, 1983 registered at Police Station Pundri Dist. Kaithal.*

*c) FIR No. 382 dated 03.10.2020 (Annexure-P-9) u/s 406/420 IPC registered at Police Station Pundri Dist. Kaithal.*

*d) FIR No. 0028 dated 20.02.2021 (Annexure-P-11) registered U/s 420/406/419/467/468/370/120-B IPC & U/s 24 of*

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*Immigration (Emigration) Act & U/s 12 of Passports Act,  
1967 (sic) at Police Station Bhawanigarh, Sangrur, Punjab*

4           A further prayer has been made that the final report/charge-sheets prepared and filed by the prosecution under Section 173 of the Code of Criminal Procedure, 1973 in the above said FIRs be treated as supplementary charge sheet in the first case i.e. FIR No.255 dated 19.06.2019, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Baldev Nagar, District Ambala, so as to avoid any conflicting judgments in the FIRs and for ensuring the interest and convenience of all the parties.

5           Learned counsel for the petitioner has argued that GurkirpalSingh son of Captain Rovel Singh, is the complainant in the aforesaid FIR No.255 dated 19.06.2019, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Baldev Nagar, District Ambala. Even though the petitioner was not named as an accused in the said FIR initially, however, subsequently, his name was added on the basis of disclosure statement made by the co-accused namely Chetan Sabharwal (petitioner in other criminal misc. petitions appended along with the present writ petition). During the course of investigation, offences under Sections 419, 467, 468, 370 and 120-B of the Indian Penal Code and under Section 24 of the Immigration (Emigration) Act as well as under

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Section 12 of the Passports Act, 1967 were also added. He submits that Vijay Kansal son of Baisakhi Ram Kansal; Kunal Kansal son of Vijay Kansal; Rajesh Kumar son of Roshan Lal; Kashish Mehta daughter of Ravikant; and Lakhwinder Singh son of Surender Singh were cited as prosecution witnesses in the challan/report submitted under Section 173 Cr.P.C. and their statements under Section 161 Cr.P.C. have been recorded by the Investigating Agency at Ambala. The said witnesses thereafter got separate FIRs registered against the petitioner. It is contended that Vijay Kansal is the author of the FIR No.357 dated 15.09.2020 registered at Police Station Pundri, District Kaithal for commission of offence under Sections 406 and 420 IPC; Rajesh Kumar son of Roshan Lal is the author of FIR No.380 dated 02.10.2020 registered under Sections 406, 419, 420, 370, 467, 468, 471, 201 and 120-B of the Indian Penal Code and under Section 24 of the Immigration (Emigration) Act as well as under Section 12 of the Passports Act, 1967 at Police Station Pundri, District Kaithal; Ravi Kant son of Jaimal is the complainant in FIR NO.382 dated 03.10.2020 and Lakhwinder Singh is the complainant of FIR No.0028 dated 20.02.2021, registered under Sections 406, 419, 420, 370, 467, 468, and 120-B of the Indian Penal Code and under Section 24 of the Immigration (Emigration) Act as well as under Section 12 of the Passports Act, 1967 at Police Station Bhawanigarh, District Sangrur. It is contended that the FIRs No.255 and 357 have been investigated by the Special Investigation Team

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and that the duration of commission of the offences in the said FIRs range between the same period i.e. for 01.01.2016 to 11.06.2019.

6 He contends that the filing of separate final reports under Section 173 Cr.P.C. and recording of separate evidence is likely to cause much prejudice to the petitioner inasmuch as he would be required to attend the hearings before different Courts on each and every date and that the possibility of conflicting judgments by the different courts cannot be ruled out. The present petition has thus been filed for seeking the relief of quashing of the FIRs along with all the consequential proceedings emanating therefrom.

7 Learned counsel for the respondent/State of Haryana, refers to the written statement that had been filed and contends that the FIR in question has been recorded on the statements of the witnesses in the individual separate transactions that had taken place within their territorial jurisdictions, hence, the said offences are not part of the same transaction or in the series of commission of the same offence. The petitioner committed different crimes at different points in time against different persons and therefore, each such offence is an independent and distinct offence though there may be same or similar witnesses and the same is neither a part of the same transaction nor a part of same offence. Accordingly, not being part of a single transaction or one single offence, the provisions of Section 220 Cr.P.C. would not be applicable since it is not

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series of acts culminating in a single transaction rather the offences in question are a series of independent offences that had been committed by the accused against different people. The same would thus be different in essence and the petitioner cannot claim any benefit of seeking quashing of subsequent FIRs and to claim that only one FIR ought to be tried.

8 Similar argument has also been raised by the counsel appearing on behalf of the State of Punjab. She has referred to the affidavit of Hans Raj, Deputy Superintendent of Police, Circle Bhawanigarh, District Sangrur filed on behalf of respondents No.2, 5 and 8. Some of the paragraphs from the preliminary submissions are extracted as under:-

*“2. That it is submitted that a case FIR No. 28 dated 20.02.2021 under section 420, 406, 419, 467, 468, 370, 120-B IPC was registered at Police Station Bhawanigarh, District Sangrur, against Mridul Kapri son of Mahesh Lal Resident of House No. 5272-B, Sector 47-D, Sector 31, Chandigarh, Balraj Singh son of Satnam Singh Resident of Talwandi Bharo, Nakodar Sadar, Jalandhar Rural, Punjab and 4 unknown persons on the basis of application moved by Lakhwinder Singh son of Surinder Singh Resident of Gajipur, Tehsil Samana, District Patiala, in which he alleged that he enrolled his son Harmanjot Singh in the year 2008 at Steelman Public School Channo, District Sangrur, who has appeared for class X examinations during the session 2019-2020. In the year 2016 principal of above school Anjali Gond called the him to school and said that the school was preparing for the NASA tour and our school children used to go on NASA tour every*

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*year. She said that your child's future will be determined by the school your child will get a 10 year multipurpose visa and Anjali Gond asked for Rs.2 Lakh and 15 thousand from complainant for the basic expenses of tour and further said that more amount will be taken when needed, the complainant trusted her and gave Rs.2,15,000/- in cash along with the original passport of his son and other documents required. After some days principal i.e. Anjali Gond informed the complainant that this year only your son got visa for NASA tour because of which we will take him for tour next year in 2017 and in the year 2017 complainant came to know the names of other students who also got their visa for NASA (USA) after which Principal informed complainant that we will take your child to NASA this year but your child's passport is lost for which DDR is entered vide DDR no. 56 dated 12.06.2017 at Police Station Sector 34 Chandigarh. They hand over the copy of DDR to complainant which includes names of 3 more children whose passport was also lost. Thereafter the principal re-issued the passport of complainant's son by saying that in the year 2018, they will take your child to NASA (USA) and then took another sum of Rs.65,000/- from the complainant and alleged we will take the rest later. After this the complainant went several times to the school and requested the principal for providing further information regarding tour but she kept on giving new excuses every time. The complainant further alleged that on 03.08.2020 police came at complainant's home and informed him that some other child has been unlawfully sent to NASA (USA) on their child's passport regarding which an inquiry was held and a FIR no. 255 dated 19.06.2019 under section*

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*406,420,467,468,370, 120-B IPC and under section 24 of Emigration Act and under section 12 of Passports Act has been registered at Police Station Baldev Nagar Ambala. Thereafter on 04.08.2020 complainant alongwith his son and respectable of village, went to school to meet Principal Anjali Gond where they met with owner of the school and narrated whole incident, after that principal insulted them and also threatened that she has contacts with big people and if they will again come to school then she will file a false case against all of them. The complainant further alleged that Anjali Gond and Chetan Sabarwal conspired with each other and submitted fake affidavit regarding missing of passport of his son and got lodged report regarding missing of his son's passport. Lateron, another boy was sent to USA on the passport. The complainant sought action as an amount of Rs.2,15,000/- was taken but his son was not sent abroad.*

*3. That the application of the complainant was marked to Incharge Human Traffic Unit Sangrur, to take necessary action as per law and sent report within seven days.*

*4. That then Incharge Human Traffic Unit Sangrur inquired the matter in depth and submitted his report 148/5P, 177/5P, 185/5P, AHT unit Sangrur, who joined the complainant party as well as Principal Steelman Public School Channo, District Sangrur and submitted his report with the conclusion that in the year 2016 petitioner Mridul Kapri visited their school and apprised the Principal Anjali Gond that he used to send the children on education tour in NASA (USA) and he manages visa for the children and then principal conveyed the children*

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*and then parents of the children were called and had a meeting with Mridul Kapri who gave information regarding the cost for obtaining visa and accused/petitioner obtained the passport of six children alongwith the passport of principal but visa of principal and two children was given but the tour was cancelled and lateron in the year 2017 the accused/petitioner obtained visa for six children and one teacher and few days before the tour the accused/petitioner disclosed that passport of Harmanjot Singh is missing and then the principal conveyed the same to the complainant. Regarding missing of passport the principal Anjali Gond was also called in Delhi by American Embassy and then on the missing report of passport, fresh passport of Harmanjot was got prepared and on 22.08.2017 the accused/petitioner deposited Rs.2,15,000/- in the bank account of complainant from his bank account. The enquiry officer also submitted that the passport of complainant's son was sold by the accused/petitioner and Chetan Sabarwal to one Balraj Singh son of Satnam Singh Resident of Talwandi Bharo, District Jalandhar who is owner of A.P. Tour and Travels, Garha Road Jalandhar, hence enquiry officer recommended registration of case against Mridul Kapri, Chetan Sabharwal and Balraj Singh and two unknown children and two unknown guardian of that children under section 420,406,419,467,468,370,120-B IPC and section 24 of Immigration Act and section 12 of Passports Act.*

*5. That on receipt of report of Incharge A.H.T.U. Sangrur, the Deputy Superintendent of Police Detective Sangrur, also verified the facts and agreed with the report and submitted his*

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*report no. 1140/5P/D.S.P./D dated 18.11.2020 to Senior Superintendent of Police Sangrur,*

*6. That on receipt of report from Deputy Superintendent of Police Detective Sangrur, the then Senior Superintendent of Police Sangrur and referred the matter to Superintendent of Police Detective to discuss.*

*Then Superintendent of Police Investigation discussed the matter with Senior Superintendent of Police Sangrur and on the directions of Senior Superintendent of Police Sangrur, the travel detail of passport of Harmanjot Singh was got obtained and then Superintendent of Police Investigation recommended for registration of the case against Mridul Kapri, Balraj Singh and two unknown children and their two unknown guardian and ultimately Station House Officer Police Station Bhwanigarh was directed to register the case by Senior Superintendent of Police Sangrur, on the basis of which present FIR was registered.*

*7. That after registration of the case, investigation was being carried out by ASI Balwinder Singh of Police Station Bhawanigarh, who recorded the statements of witnesses and also raided the house of accused but they were not available.*

*8. That since the offence under section 24 of the Immigration Act and Passports Act, requires to be investigated by a Gazetted Officer, hence the Investigating Officer stated that the further investigation is required to be conducted by authorized officer, and then Station House Officer Police*

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*Station Bhawanigarh also gave a case diary dated 25.11.2021 and sent the investigation to the then Deputy Superintendent of Police Bhawanigarh for further investigation.*

9. *That the then Deputy Superintendent of Police Bhawanigarh examined the entire file and case diaries of the file and after examining the same, he found that Superintendent of Police Detective Sangrur, submitted his report but in that report the name of Chetan Sabharwal as an accused is not mentioned nor any comment is given that he is innocent, though the enquiry officer j.e. Incharge A.H.T. Unit Sangrur, as well as Deputy Superintendent of Police Detective Sagnrur, recommended registration of case against Chetan Sabharwal also. On the other hand, accused Balraj Singh and Chetan Sabharwal had moved their applications regarding their innocence and investigation qua these applications is also to be conducted by the deponent. Statements of Anjali Gond Principal of the school, Lakhwinder Singh complainant are also recorded under section 161 of the Cr.PC on 08.12.2021.*

10. *That after conducting through investigation, the then Deputy Superintendent of Police Bhawanigarh reached on conclusion that the petitioner Mridul Kapri and Chetan Sabharwal are in-connivance with each other and they have shown the passport of the son of the complainant as missing, but whereas the passport are handed over to others and on the basis of which other children have went abroad for NASA (USA) for educational tour, so custodial interrogation of accused Chetan Sabharwal and Mridul Kapri to reveal the*

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*true facts and role of Anjali Gond Principal of School will also be thoroughly investigated.”*

9 No replication/rejoinder to the written statements had been filed by the petitioner, hence, the objections raised by the respondents in the written statements remain uncontroverted.

10 Learned State counsel appearing for the respondent i.e. State of Haryana and State of Punjab, submit that similar issue came up for hearing before this Court in **CWP-8935-2022 titled as Pawan Kumar Verma and another Vs. State of Haryana and others decided on 21.12.2022 along with CWP-8949-2022** wherein this Court, instead of quashing the FIRs, had directed that the cases be clubbed together, after taking note of the guiding principles enshrined in Section 407 Cr.P.C. They contend that once separate offences, not being part of the same transaction, have been committed by the petitioner in separate territorial jurisdictions and at separate points in time, petitioner cannot claim that the subsequent FIRs be quashed merely on the strength of such issues. Besides numerous disputed questions of fact would arise in the present cases. Moreover, the petitioners are not seeking quashing of the FIR's on the grounds as laid down in the case of **State of Haryana Vs. Bhajan Lal, reported as 1992 Supp (1) SCC 335**, rather, it is more for seeking cubbing of cases to avoid conflicting judgments and to avoid inconvenience in defending matters at different places.

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11 Counsel for the petitioners have been confronted with the judgment of this Court in the matter of Pawan Kumar Verma (supra) and they are not in a position to rebut the applicability of the said judgment. They submit that these petitions may be disposed of in terms thereof.

12 Under the given circumstances, the present writ petition along with the criminal misc. petitions are disposed of in terms of the directions issued by this Court in Pawan Kumar Verma (supra).

13 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

14 A photocopy of the order be placed on the file of each connected case.

December 04, 2024  
*rajarora*

(VINOD S. BHARDWAJ)  
JUDGE

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