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

CRM-M-31174-2018

Date of Decision: 08.08.2024

Avneesh Kumar

..... Petitioner

Versus

State of Punjab and Another

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Inderjeet Singh Chawla, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Swarn Singh Tiwana, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.

1. Petitioner Avneesh Kumar has filed petition under Section 482 Cr.P.C. for quashing FIR No. 53 dated 05.04.2018 under Sections 406, 420 of Indian Penal Code, 1860, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Annexure P-1 or any other order or direction which the Court may deem fit.

2. Learned counsel for petitioner argued that on the statement of Pardeep Kumar a false and frivolous FIR No. 53 dated 05.04.2018 under Sections 406 and 420 of Indian Penal Code, 1860 at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Annexure P-1 has been registered against him. In connection with business transaction, he had received ₹20 lacs through RTGS. He had supplied goods worth ₹20,93,000/- and balance payment of ₹93,000/- was outstanding against complainant. Present

petitioner had filed a civil suit which was ultimately decreed in his favour. Therefore, facts stated in FIR are false and without any basis.

3. On the other hand, learned counsel representing State and learned counsel representing respondent No. 2 opposed present petition. Status report dated 01.11.2018 is on record. It is pointed out that in this case on the basis of opinion of D.A. (Legal), apart from offence under Section 406, 420 of IPC, other offences under Section 465, 467, 468 of IPC were added which are not mentioned in present petition. Secondly, it was pointed out that challan in this case was presented before Judicial Magistrate First Class, Amloh on 21.05.2018 and charge-sheet was framed on 25.05.2018. However, in status report, inadvertently, date is wrongly mentioned as 28.08.2018. Learned counsel representing respondent No. 2 has placed on record downloaded copy of order dated 25.05.2018 to confirm that charge-sheet was framed on this date. Said charge-sheet already framed against present petitioner has not been challenged in this petition. Therefore, present petition deserves dismissal.

4. I have considered the arguments and have gone through the record. Present petition under Section 482 Cr.P.C. for quashing of FIR was filed on 23.07.2018. It is rightly pointed out that till date, other offences added in FIR under Section 465, 467, 468 of IPC are not included in present petition. Before passing of stay order dated 24.08.2018, charge-sheet was already framed on 25.05.2018 and said proceedings have not been challenged till date. Considering this fact, relief claimed by petitioner at this stage, is not justified. Without commenting on the merits of case, present petition is dismissed with liberty to petitioner to avail legal remedy as provided under law.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

08.08.2024
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No