

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

CRM-M-36339-2017

Date of Decision : 15.04.2024

RAM SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.S.Sidhu, Advocate
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

None for respondent no.2.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed seeking quashing of FIR No.114, dated 16.10.2016, under Sections 420, 409, 467, 468, 471 and 120-B of the IPC, registered at Police Station Payal, District Khanna, and all the other proceedings arising therefrom.
2. The instant FIR has been registered on a statement suffered by Darshan Singh son of Inder Singh, which reads as under:-

“To, DSP Payal, Subject: Complaint against bank official, Bank of India, Payal Distt. Ludhiana. Sir, it is stated that I Darshan Singh son of Inderjit Singh r/o Kudhani Khurd Tehsil Payal, Distt. Ludhiana. I have two agriculture credit limit of Rs.38.00 lacs and Rs. 10 lacs total Rs. 48.00 lacs in Bank of India, Payal Branch. On 07.03.2016 Amit Bhatia, Navneet and Arvind Sharma who are working in Bank of India Payal Branch came to my home and asked me that the Manager have told them to get the signatures of Darshan Singh on the withdrawal voucher so that the limits can be changed in his account. On the assurance of Amit Bhatia and Arvind Sharma I signed on the withdrawal voucher. Next day on 08.03.2016 I went to the bank and got the statement from the bank, from the statement I came to know that Rs.12 00 lacs and Rs. 10.00 lacs total Rs.22.00 lacs have been withdrawn from my credit account on 04.03.2016. In this way the above mentioned employees of the bank have withdrawn Rs. 22.00 Rs. lacs from my

account and have misappropriated the same. On 09.03.2016 I alongwith the respectable of Village Panchayat namely Sh. Baldev Singh Sarpanch, Sh. Avtar Singh Ex. Sarpanch, Gurinder Singh Member Panchayat, Jathedar Amandeep Singh, Tara Singh, Baldev Singh and other persons met the Manager of the Bank. After that the above mentioned persons promised me to return me Rs.22,00,000/- on 11.03.2016 but today when I approached the bank official they refused to pay back my amount and told me that your amount will be paid by the Manager of the Bank because we have got the signature on the asking of the Manager of the Bank. So it is requested that action be taken against the above mentioned bank officials and my amount be taken from them and the case be registered against them for fraud and misappropriation of the amount. I have suspicion to believe that the higher officials of the bank are also involved in misappropriation of my account. Justice be done to me. Sd/- Darshan Singh.”

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that the present petitioner has neither been named in the FIR, nor any role has been assigned to him in the alleged crime.

4. He further submits that the earlier inquiry which was conducted by the investigating agency, before registration of the FIR, in which the petitioner was found innocent, and despite that the instant FIR has been registered. Therefore, continuation of the instant FIR is a sheer abuse of criminal process of law against the petitioner.

5. A status report dated 15.04.2024, by way of an affidavit of Mr. Nikhil Garg, DSP, Sub-Division Payal, Police District Khanna, District Ludhiana, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

6. The asked for relief has been opposed by him on the ground that the investigation in the present FIR, was conducted against the other four co-accused, alongwith present petitioner.

7. He further submits that the instant FIR *qua* three co-accused, i.e. Amit Bhatia, Arvind Sharma and Navneet Sharma, has been quashed

on the basis of compromise by this Court vide order dated 11.09.2017, however, one co-accused, Gurdeep Singh, has died during the pendency of the instant FIR, and now the present petitioner is the only one *qua* whom after conducting the investigation a final report has been submitted on dated 30.03.2024 before the learned trial Court concerned, and now the case is pending for framing of charge against the present petitioner, before the learned trial Court concerned.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Since the final report has already been filed, and the petitioner has been named in the FIR by his designation in the bank, and the issues as raised before this Court, are disputed question of facts, which cannot be adjudicated by this Court, by invoking the provisions of Section 482 Cr.P.C., the instant petition is ordered to be **dismissed**.

April 15, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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