

128

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

[CRM-M-3789-2018](#) (O&M)
Date of Decision:- 15.04.2024

Puneet Vatsayan

...Petitioner

Versus

State of U.T. Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr.Sachit Kumar Sahijpal, Advocate
for the petitioner.

Mr.Abhinav Gupta, Addl. P.P., U.T., Chandigarh.

Mr.K.S.Rana, Advocat with
Mr.Y.D. Kaushik, Advocate for the complainant.

Kuldeep Tiwari, J. (Oral)

1. Through the instant petition, the petitioner prays for quashing of FIR No.539 dated 26.09.2013, registered under Sections 406, 420, 120-B IPC registered at Police Station Manimajra, U.T. Chandigarh (Annexure P-1); and in his asking for the relief (supra), counsel for the petitioner submits that the *fulcrum* of the entire dispute hinges revolving upon the agreement to lease (Annexure P-2). He further submits that Anneuxre P-2, which in fact, allegedly reflects that it is a case of breach of trust, and if at all the allegation(s) are taken to be a gospel truth, yet it doesn't have any criminal ingredients requiring the petitioner to face trial in the instant FIR. He further submits that in a similar proceeding arising out of the similar agreement i.e. Annexure P-2, a private criminal complaint under Section 138 of the Negotiable Instruments Act, was filed, and the learned trial court concerned after evaluating the evidence, has

adversely commented upon it, and acquitted the petitioner of the charges framed in that compliant. He further submits that the civil proceedings are also pending, where also the issue revolves around the agreement to sell i.e. which is the same transaction. Therefore, pendency of the instant FIR is nothing but is an abuse of process of law.

2. *Per-contra*, the submissions made by the counsel for the petitioner are heavily opposed by the learned counsel for the respondent-U.T., Chandigarh as well as counsel for the complainant.

3. Counsel for the respondents-U.T. Chandigarh informs this Court that in fact much water has flown after registering the instant FIR, which was registered way back on dated 12.07.2014, and after conclusion of the investigation, final report has also been filed, and thereupon, the charges were framed on dated 13.05.2016, and out of 12 cited witnesses, only 05 witnesses have been examined till date, by the prosecution to substantiate the allegations as alleged in the instant FIR. He further submits that the petitioner, in fact, post-framing of charge, filed an application for discharge, however, the said application was dismissed by the learned trial court concerned, vide order dated 16.09.20215, and thereupon, he filed a statutory revisions before the learned Revisional Court, however, the petitioner remained unsuccessful, and that revision petition was dismissed vide order dated 04.04.2016. He further submits that the petitioner waited for about 05 years after registration of the FIR, to invoke the inherit jurisdiction of this Court, and especially after 02 years of passing of the order by the learned revisional court concerned,

and in the instant petition, they have not challenged, specifically those orders which in fact, creating the legal impediment to the petitioner.

4. This Court is not inclined to examine these facts at this stage, as the issue raised by the learned counsel for the petitioner, simply because of the reason of supervening events, and for the reasons that the petitioner approached this Court after much delay. The delay and laches has its own rigor, and to cross such rigour, there must be some reasons, however, unfortunately in the present petition, there is no such reason coming forth. Since the trial has travelled half way, therefore this Court is refraining from exercising its extra ordinary powers envisaged under Section 482 Cr.P.C. for granting the asked relief, for quashing, by invoking inherent powers of this Court. Therefore, the instant petition is ordered to be **dismissed**, however, liberty is granted to the petitioner to raise all such pleas taken herein, before the learned trial court concerned, at an appropriate stage. Since the trial is pending since 2013, therefore a mandamus is passed upon the learned trial court concerned, to make all efforts to decide this trial more expeditiously.

4. This petition is **dismissed** with the aforesaid direction.

15.04.2024
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(KULDEEP TIWARI)
JUDGE

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