



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-24726-2024 (O&M)
Date of decision: September 5th, 2024

Manjit Kaur and others
.....Petitioners

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ramnish Puri, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for quashing of FIR No.17 dated 03.04.2012 under Section 420 of the IPC registered at Police Station Kathunangal, District Amritsar, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners asserts that the petitioners have been falsely implicated in the present case for allegedly cheating the complainant for an amount of ₹28 lakh. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, the learned counsel has highlighted that the petitioners' false implication is evident, as their names do not appear in the FIR, nor were they involved in the alleged incident.

3. Furthermore, it is submitted that a perusal of the charge-sheet (Annexure P-4) indicates that no offence under Section 420 of the IPC is made out, as the essential ingredient i.e. deception is missing in the present case. It is also pointed out that the petitioners are already facing prosecution under Section 138 of the Negotiable Instruments Act, initiated by the complainant for the same

cause of action, and that the continuation of the present proceedings would thus, result in double jeopardy. When a specific query was put with respect to the present stage of the trial, the learned counsel for the petitioners submitted that the trial was at the stage of defence evidence.

4. Notice of motion.

5. On the asking of the Court, Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

6. *Per contra*, learned State counsel, on instructions, has opposed the prayer and submissions made by the counsel opposite by also stating that the trial was at its fag end and all the evidence had already been adduced before the trial Court. Hence, in the circumstances no ground was made out for acceptance of the prayer of the petitioners.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. It is a matter of record that the trial is nearing conclusion. The evidence has already been led by the parties. In the circumstances, keeping in view the stage of trial, no ground is made out for quashing of the FIR in question.

9. The instant petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 5th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No