

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M No. 28241 of 2023
Date of Decision: 05.02.2024

Shyam Sundar Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shivam Sharma, Advocate for the petitioner.
Mr. Subhash Godara, Addl. AG, Punjab.
Mr. Davinder Singh Khurana, Advocate for the complainant.

HARPREET SINGH BRAR, J.(ORAL)

1. This is the first petition filed under Section 482 of Cr.P.C. seeking quashing of FIR bearing No. 0021 dated 28.01.2023 registered under Sections 420, 406, 384 and 120-B of Indian Penal Code, 1860 at Police Station City Jalalabad, District Fazilka, Punjab.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has no connection with the alleged offence and earlier two complaints were enquired into by the Econonic Offence Wing on the same set of allegations and the Inquiry Officer has recommended not to initiate any Police action as the issue involved is purely in civil nature. He further submits that the perusal of the FIR clearly indicates that the alleged amount was paid by the complainant in the account of co-accused Mohinder Singh

as such even for the sake of arguments it is presumed that any fraud has been committed against the complainant, the petitioner cannot be held liable for the same as he is not the beneficiary and the parties have earlier compromised the matter and the present FIR is a counter blast to the FIR registered against complainant in Hanumangarh, Rajasthan prior to registration of the present FIR. Apart from the above allegations, there is no other material which could prove the complicity of the petitioner.

3. Per contra, learned counsel for the respondent submits that the Investigating Agency after conclusion of the investigation has presented the challan and in which the recording of the conversation on phone between the petitioner and the co-accused Anand Soni has been produced and the petitioner has been clearly seen discussing the extraction of money from complainant. The perusal of the recording fully establishes the active role played by the petitioner in extorting the money from the complainant.

4. Learned State counsel submits that the disputed question of fact have been raised in the present petition. The Investigating Agency has concluded the investigation and the charges are yet to be framed as such the petitioner can agitate the factual dispute before the learned trial Court.

5. Having heard the learned counsel for the parties and after perusing the record of the case, this Court finds no force in the arguments advanced by learned counsel for the petitioner. Disputed question of fact cannot be appreciated by this Court and this Court cannot examine the defence set up by the petitioner in the present petition.

6. Keeping in view the facts and circumstances of the case, this Court finds no ground to quash the FIR (supra).

7. The petition is devoid of merits and the same is hereby

expression of opinion on the merits of the case. The learned trial Court shall proceed with the trial uninfluenced by any observation made herein in accordance with law.

05.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

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