



CRM-M-30885-2024

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

**CRM-M-30885-2024**

Date of Decision: 30.07.2024

Rohit Mittal

..... Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Jagraj Singh Khiva, Advocate, for the petitioner.

**Rajesh Bhardwaj, J.**

1. Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.250 dated 05.08.2023 registered under Section 379 IPC (Sections 411, 476 IPC added lateron), at Police Station Sector-53, Gurugram, District Gurugram alongwith all the subsequent proceedings arising therefrom.

2. As per the allegations made in the FIR by the complainant, on 03.08.2023 at about 09:30 p.m., the complainant parked his car No.HR-98-G-4813 Scorpio White colour in front of his house. However, on 05.08.2023 he found that his car was missing. He gave the details of the car viz the engine number, chassis number and model of the car etc. Request was made to take legal action as some unknown person has stolen his car. On the registration of the FIR, the investigation was commenced.

3. It has been submitted by learned counsel for the petitioner that the petitioner from the last 8-9 years is carrying out the work of DSA of financial institutions at Patiala and he deals with the sale and purchase of the cars from the last more than one year. He submits that the petitioner



purchased one car make Scorpio colour black bearing registration No.UP-32-MM-2626 from its owner, namely, Shaikh Vahid Ali, which was hypothecated with Axis bank. He submits that the petitioner made the payment of Rs.8,93,700/- from his account in favour of the Axis Bank. He further submits that on 11.09.2023, when the petitioner went to the house of his friend Karamjeet Singh, then about 18-19 persons encircled him and dragged him in their vehicle. He further submits that the petitioner was beaten by them and was compelled to give a call to his wife to handover the key of black Scorpio. Later on the petitioner came to know that they all were police officials from Noida in civil uniform. He further contends that the petitioner was illegally confined and was taken to Police Station Sector 20, Noida. He has contended that the petitioner was illegally implicated in a car theft case. It is submitted that as an act of vendetta, the police officials of Police Station Sector-53, Gurugram in connivance with the police officials of Police Station Sector 20, Noida, forcibly took the signature of the petitioner in a blank paper and recorded his forcible disclosure statement. He submits that the Investigating Agency at Gurugram has admitted in report under Section 173(2) Cr.P.C. that neither they could recover the stolen vehicle nor could trace out the accused, who had stolen the alleged vehicle and thus, prepared an untraced report, but after registering the FIR No.401 dated 15.09.2023, signatures of the petitioner were forcibly taken on the blank papers and his confession statement was also forcibly recorded. It is submitted that from the facts and circumstances of the case, it is clear that no offence under Section 379, 411 and 476 IPC are made out against the petitioner as he had bonafidely purchased the vehicle by making the



payment. He further submits that the petitioner has been falsely implicated in the present case at the behest of the Noida Police. He has relied upon the law laid down by Hon'ble Supreme Court in the case of State of Haryana vs. Bhajan Lal and others, AIR 1992(9) SCJ 604 and thus, has submitted that no *prima facie* case is made out against the petitioner from the bare reading of the allegations made in the FIR, as no cognizable offence is made out against him. He further submits that in the facts and circumstances of the present case, prosecution of the petitioner in the impugned FIR is totally an abuse of the process of the Court and thus, the same deserves to be quashed.

4. Heard.

5. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the impugned FIR was registered by the complainant when he found his car to be stolen. There is no dispute that the FIR was registered against the unknown persons. However, during the investigation, the Investigating Agency found the relevant material wherein the complicity of the petitioner was found to have been established. On completion of the investigation, challan under Section 173 Cr.P.C. was presented before the trial Court. In such like cases, the probability of giving the name of accused at the time of registration of FIR, is very nominal. It is during the investigation only the Investigation Agency finds the clue about the accused involved. Challan was presented by the Police is on the basis of the material collected during investigation when material connecting the petitioner to the offence has been found. There is no dispute regarding the law settled by Hon'ble Supreme Court, which is relied upon by counsel for



the petitioner, however, the contentions raised by counsel for the petitioners are totally misconceived.

6. Hon'ble Supreme Court in State of Haryana vs Bhajan Lal's case (**supra**) has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories. It has been further observed in Bhajan Lal's (*supra*) as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

- (1) “Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.



- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

7. Hon'ble Supreme Court in Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303, has further held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences



under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by



not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. Keeping in view the investigation conducted, this Court does not find any ground for quashing of the FIR at threshold. Thus, weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that case in hand fails to qualify for invoking the inherent jurisdiction by this Court. Resultantly, the present petition being devoid of any merit is hereby dismissed. However, the petitioner is at liberty to raise all his grievances during the course of trial at appropriate stage.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

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|------------------------|---------------------------|----------|
| 30.07.2024<br>sharmila | (RAJESH BHARDWAJ)         |          |
|                        | JUDGE                     |          |
|                        | Whether Speaking/Reasoned | : Yes/No |
|                        | Whether Reportable        | : Yes/No |