

CRM-M-32809-2022 (O&M)
Decided on: 08.01.2024

Babu Lal ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Ms. Shubhra Singh, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0316	01.07.2022	Model Town Rewari	7 & 13 of Prevention of Corruption (Amendment) Act 2018

CRM-94-2024

Allowed, as prayed for. Reply to the bail application dated 29.08.2023 as Annexure P-21, is taken on record.

Main case

1. Seeking quashing of the above captioned FIR, the petitioner had come up before this Court by filing the present petition under Section 482 CrPC, in the year 2022 and since then, the matter is adjourning for one reason or the other. Notice in this case has not been issued till date.

2. Based on a complaint dated 15.02.2018 (Annexure P-7) made by respondent No.4, police had registered the aforesaid FIR. Specific allegation made in the complaint against Babu Lal (present petitioner) is that he had received bribe from the complainant through his tout Sonu. In the complaint, the complainant had mentioned about possessing the audio and video CD to prove his allegations. The complainant's grievance was that despite the allotment of a plot, the government officials were sitting on his file and they wanted money to initiate action on his file.

3. Petitioner's grievance is that the present FIR has been registered at the instance of

CRM-M-32809-2022

cartel of property dealers who have instigated the forth respondent-Jai Narayan Jakhar to file false FIR against him.

4. A perusal of the petition reveals that none of the property dealers have been arraigned as respondent. Further it is only the officials who have been made as party-respondent in this case except for the complainant who had been arraigned as respondent No.4-Jai Narayan Jakhar. In other part of the petition, petitioner has mentioned other factors like departmental inquiry and his job, which has nothing to do with the present case. In para 20 of the petition, the petitioner alleges that respondent No.5 is running a den of corruption and the only allegation against the petitioner is a video recording which is falsified by the Director General of Police vide Annexure P-15 and as such there is no other evidence. Petitioner’s counsel argues that there is a delay in the FIR and the petitioner has been unnecessarily harassed.

5. An analysis of the petition and the arguments addressed on behalf of the petitioner, do not make out a case for quashing of FIR for the reason that there is no allegation of receiving bribe of Rs.12,000/- by respondent No.4-Jai Narayan Jakhar. In case, the corroborative evidence is not accepted by the investigator and the investigation does not find any evidence against the petitioner, then certainly the investigator would proceed in accordance with law. Needless to say that report under Section 173 CrPC 1973 be only filed when they find evidence against the petitioner.

6. Given above, this is not a case for quashing of FIR. However considering the fact that the FIR is old, State is directed to conclude the investigation within three months. It is clarified that in case, prosecution is launched against the petitioner, he shall be at liberty to approach this Court again. It is further clarified that in case the investigator finds evidence and decides to launch prosecution against the petitioner, the concerned Court shall supply copy of the police report to the petitioner under Section 207 CrPC, on priority, to enable him to consider for filing a quashing petition.

7. Petition is disposed of with the aforesaid observations. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.01.2024

anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.