

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29853-2024

Date of decision: 01.07.2023

Virender Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Manan Kheterpal, Advocate and
Mr. Pranav Juneja, Advocate for the petitioner

Mr. SS Pannu, DAG Haryana

Sandeep Moudgil, J.

(1). This petition under Section 482 CrPC has been filed by the petitioner seeking to quash the order dated 06.12.2023 (Annexure P4) passed by SDJM, Pehowa in case arising out of FIR No.309 dated 26.08.2023 under Sections 406/420 IPC registered at Police Station Sadar Pehowa, Kurukshetra vide which charges have been framed against the petitioner for the offence under Sections 406/420/467/468/471 IPC. He also seeks quashing of the order dated 04.03.2024 vide which revision petition filed by the petitioner against the order dated 06.12.2023 has been dismissed by the Addl. Sessions Judge, Kurukshetra.

(2). Learned counsel for the petitioner contends that as per the challan/report under Section 173 CrPC (Annexure P3), it is not the case of the respondent that the petitioner forged someone else's signature on the affidavit showing him to be the owner of the tractor make "Sonalika 745" and sold the same to Ram Prakash. It is argued that in fact the complainant himself stated that he came to know from somewhere that the petitioner had sold the tractor

and therefore, the name of the petitioner does not surface in the FIR and as such, no offence of forgery or cheating is made out against him.

(3). It is on the basis of prima facie material available on record that the trial court has framed charges against the petitioner and there are no grounds available on the case file to indicate that the prosecution proceeded with faulty investigation by the police. There are serious allegations against the petitioner that he sold the tractor on the basis of a forged affidavit showing himself to be the owner of the tractor bearing No.HR-78A-7530 which were finally found to be deceitful with the sole intention to cheat the purchaser.

(4). It is the case of the prosecution that the petitioner defrauded the complainant by selling his tractor-trolley make Sonalika 745 after preparing forged affidavit and other documents, which he initially hired from the complainant @ Rs.16,000/- p.m. The sale amount of Rs.2,40,000/- was allegedly used by the petitioner in purchasing new tractor of make Mahindra Arjun 555. It is also the case of the prosecution that the petitioner sold the tractor of the complainant by forging an affidavit wherein it has been reflected that the complainant Krishan Kumar had sold the tractor to the petitioner.

(5). There is nothing on record produced by the petitioner either before this Court or before the courts below which may even minutely suggest contrary to the investigation carried out by the prosecution which are clear, distinctive and indicative of the involvement of the petitioner. Moreso, in another petition i.e. CRM-M-27600-2024 filed by the petitioner seeking regular bail in the above-stated FIR, the petitioner has been found involved in

another case of similar nature registered on 10.09.2023 wherein the modus operandi adopted by the petitioner was identical to the allegations raised by the complainant herein and as such, this Court, *prima facie*, cannot be oblivious of the fact as to his habitual involvement in such like crime of duping and defrauding the innocent people.

(6). In view of the above discussion, this Court does not find any infirmity or irregularity in the orders passed by the Courts below.

(7). Dismissed.

01.07.2023
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No