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

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Date of Decision:- 04.11.2024

Ismile Khan

....Petitioner

Vs.

State of Punjab and Anr.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Alok Mittal, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

Mr. S.P.S. Sidhu, Advocate with
Mr. Rajat Dogra, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioner Ismile Khan filed this petition under Section 482 Cr.P.C. for quashing of FIR No.245 dated 20.07.2021 (Annexure P-1), under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Civil Lines, Patiala, Punjab and all subsequent proceedings arising thereunder with further prayer that the Court may pass any such order/direction which may deem fit in the given facts and circumstances of the case.

2. As per the facts of the case, on the written complaint of Gurjit Singh Sidhu FIR No.245 dated 20.07.2021 (Annexure P-1), under Sections 420, 467, 468, 471 and 120-B of IPC, Police Station, Civil Lines, Patiala, Punjab has been registered. As per the facts narrated in the FIR complainant

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Gurjit Singh Sidhu is 69 years old man who was buying milk from the dairy of Kulwinder Singh for the last about five years. Milk was supplied through their employee Ismile Khan. Complainant owned a car regarding which he required Fast Tag as per the directions issued by Central Government. He requested Ismile Khan to prepare Fast Tag for his car and for this he demanded its cost of Rs.500/- along with copy of Aadhar Card and Registration Certificate both bearing his signatures. He provided copy of Aadhar Card and gave original Registration Certificate as he was not having photocopy of the same. On the next day, he requested Ismile Khan to return back the original Registration Certificate but he did not return the same. When he insisted, he had thrown copy of his Aadhar Card and Registration Certificate in a dustbin lying outside his house, without checking he kept the Registration Certificate with him. Thereafter, on 09.03.2021 Ismile Khan requested that he needed money and wanted to withdraw the same by closing his bank account in Choti Biradari Allahabad Bank but the bank officials were not letting him to close the account. On his request, he received cheque from Ismile Khan which was presented for deposit in his account on 10.03.2021. Said amount was transferred in his account on 12.03.2021. After few days, he withdrew Rs.2,00,000/- from his bank account and handed over Rs.1,00,000/- to him and he retained remaining Rs.1,00,000/- for household expenses. Ismile Khan kept on delivering milk as per routine. On 25.03.2021, he received call from Police Station Civil Lines and came to know that Ismile Khan had filed a complaint by alleging that he had sold his car to Ismile Khan for a sum of Rs.6,00,000/- alleging that Rs.1,00,000/- was paid through RTGS and remaining amount of Rs.5,00,000/- in cash and the

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original Registration Certificate was in his possession. The complainant explained that car was lying in his house. He had purchased it on 22.03.2019 through cash payment and he was having all the documents. The car was purchased for his personal use and it was run merely 61 Kilometers. He further came to know that Registration Certificate in his possession was forged one. The complainant denied to have signed any document for the transfer of said vehicle. After investigation present FIR was registered.

3. Learned counsel for petitioner argued that all allegations levelled against him are false. The complainant had received Rs.1,00,000/- in his account and rest of the money was paid in cash. He was handed over original Registration Certificate but refused to deliver the vehicle. As a result, complaint was filed with the police. He also filed a suit for mandatory injunction which is still pending. Copy of plaint dated 29.04.2021 is Annexure P-3. Respondent No.2 did not appear in the said civil suit and was proceeded against ex-parte. Present FIR has been registered under the pressure of higher officials as father of complainant had retired as Superintendent of Police. In the aforesaid FIR, petitioner filed anticipatory bail bearing CRM-M-35709-2021 which was allowed vide order dated 28.01.2022 (Annexure P-6). During investigation, the Investigating Officer has failed to consider the stand taken by the petitioner. Present FIR is misuse of the procedure of law. He also filed complaint to Director General of Police, Punjab and to Senior Superintendent of Police, Patiala, copy of complaint dated 29.04.2021 is Annexure P-8. He has been wrongly challaned in the said FIR. No offence under Section 420, 467, 468, 471, 120-B of IPC is made out. Therefore, aforesaid FIR along with subsequent

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proceedings may kindly be quashed.

4. On the other hand, learned counsel representing State filed detailed status report confirming the facts detailed in the FIR. It is pointed out that proper investigation was carried out. Signatures of complainant on Form No.30 as well as affidavit purportedly executed by complainant were examined by Handwriting and Finger Print Experts and Forensic Science Consultant and as per the report of Handwriting Expert the signatures of complainant were forged. The Registration Certificate delivered by the petitioner to the complainant was found to be fake document. Original record is supposed to be in the possession of present petitioner as the Registration Authority retained scanned copies of documents. After thorough investigation, challan was presented in the Court on 26.10.2022 and chargesheet has been framed on 23.03.2023. Allegations detailed in charge-sheet against petitioner will be proved by examining prosecution witnesses. There is no merit in the stand taken by the petitioner and it deserves dismissal.

5. Learned counsel representing complainant further raised the issue that after proper inquiry FIR was registered. Respondent No. 2 is an old man whose father had retired from police department long time ago. Therefore, allegations levelled by the petitioner/accused that false FIR has been registered under police pressure does not hold any ground. It is prayed that petition filed by the petitioner for quashing of FIR and subsequent proceedings thereunder may kindly be dismissed.

6. I have considered the arguments and have gone through the record carefully. FIR is registered on the written complaint of Gurjit Singh Sidhu.

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Status report clearly indicates that FIR was registered after thorough investigation. Relevant record was collected and regarding the signatures of complainant on various documents, report of Handwriting and Finger Print Expert was also obtained. At present after completion of investigation challan is already presented and even chargesheet has been framed against the present petitioner on 23.03.2023 and the case is pending for recording of prosecution evidence. On the other hand, it is specific stand of the petitioner that car in question was sold by Gurjit Singh Sidhu for consideration of Rs.6,00,000/-, out of which Rs.1,00,000/- were transferred in the bank account and the rest of the payment of Rs.5,00,000/- was to be paid in cash. He also referred to a civil suit for mandatory injunction filed by him against respondent No.2 which is still pending. So far as stand taken by present petitioner/accused is concerned, it is matter of trial. Prosecution is required to lead evidence to prove the chargesheet whereas present petitioner will get an opportunity to rebut the same in defence.

7. Considering the allegations bases on documents, I do not find a fit case for quashing of FIR at this stage when the case is already pending for prosecution evidence after framing of chargesheet. Thus finding no merits in the petitioner, same is accordingly dismissed.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

04.11.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No