



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CRM-M-40682-2024 (O&M)

Date of decision: 07.11.2024

Davinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tejinder Kataria, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for quashing of FIR No.0024 dated 27.10.2022 (Annexure P-1) under Sections 409, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 13(1)A (2) of the Prevention of Corruption Act, 1988 as amended by PC Act, 2018 (for short, 'PC Act') registered at Police Station Vigilance Bureau, Ferozepur Range, District Ferozepur, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the petitioner, a transport contractor, has been falsely implicated in the present case due to the malicious intent of rival contractors who were disgruntled after the petitioner secured the contract for transportation for the Ferozepur-23 cluster through a competitive tender floated by the Department of Foods, Civil Supplies and Consumer Affairs.

3. It is further submitted that among other offences, FIR



CRM-M-40682-2024 (O&M)

-2-

(Annexure P-1) has also been registered for offences under the PC Act, which are unsustainable as the petitioner is a private individual, not a public servant, and no employee from the Department of Foods, Civil Supplies and Consumer Affairs has been challaned by the investigating agency. Consequently, the application of the PC Act is unwarranted in this case against the petitioner.

4. It has still further been argued that with regard to the allegations under Sections 467, 468 etc. of the IPC, which relate to forgery, the alleged invalidity of six vehicles used in the transportation process stemmed solely from an inadvertent error by the clerk of the petitioner. It is argued that while applying online, a clerical mistake occurred while entering the registration numbers of the trucks, resulting in incorrect information being uploaded. The petitioner had, however, completed all requisite formalities in good faith, and any typographical error should be, therefore, viewed as negligence rather than an intentional act of forgery. A prayer has, therefore, been made by the learned counsel that the FIR in question along with all subsequent proceedings is liable to be quashed on these grounds.

5. I have heard learned counsel for the petitioner and perused the relevant material on record.

6. While Section 482 of the Cr.P.C./528 of the BNSS vests the Court with extraordinary powers, such powers must be exercised with utmost caution and restraint. At this preliminary stage, the primary consideration of the Court is confined to see whether on a plain reading of the FIR, commission of any cognizable offence is disclosed or not.



7. Adverting to the case at hand, the allegations against petitioner, Davinder Singh, are that during the year 2022-23 wheat procurement season, he fraudulently uploaded a list of vehicles, including several invalid ones, in order to meet tender requirements and obtain the contract for transportation for the Ferozepur-23 cluster. It is further alleged that the petitioner colluded with certain officials of the Department to facilitate this misrepresentation. The investigation has indicated that among the vehicles purportedly used for the transport of wheat, six were invalid, including motorcycles and the jeep, rather than trucks or goods carriers as mandated under the tender.

8. By misrepresenting the nature and eligibility of these vehicles, the petitioner allegedly billed the Government at the truck rates for transportation, thereby reaping substantial undue financial benefits at the expense of the public exchequer. The manipulation of details of the vehicles in official documents, such as gate passes, allegedly assisted by complicit officials, resulted in unwarranted payments being made to the petitioner, amounting to fraud, forgery, and misrepresentation, attracting the offences under the IPC, as well as the PC Act.

9. *Prima facie*, the FIR appears to disclose the commission of cognizable offences. Whether offences under the PC Act are indeed attracted qua the petitioner will be examined by the learned Trial Court at the stage of framing charges. Learned counsel for the petitioner vehemently argued that the discrepancies in the registration numbers of the trucks were merely clerical in nature—a point of contention that



raises a disputes question of fact. This issue can only be conclusively addressed during the trial when both parties present their respective evidence which would then be tested on the touchstone of cross examination.

10. As a sequel to the above, no ground is made out to accept the prayer of the petitioner for quashing of the FIR in question. The instant petition stands dismissed accordingly.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12. Pending applications, if any, stand disposed of.

07.11.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No