



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113

CRM-M-41306-2024

Date of decision: 22.10.2024

Atul Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Grewal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has filed the instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') for quashing of FIR No.114 dated 17.11.2022 under Sections 419, 420, 465, 467, 468, 471, 120-B of the IPC registered at Police Station city Morinda, District Ropar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for allegedly forging an agreement to sell dated 27.03.2021, in collusion with other co-accused. While drawing the attention of this Court to Annexure P-1, learned counsel submits that it is a matter of record that FIR No.102 dated 06.09.2022 under Sections 420, 465, 467, 468, 471, 120-B of the IPC was initially registered at Police Station Mataur, District SAS Nagar, against the petitioner and other co-accused, including respondent No.2. This FIR pertains to allegations of facilitating a fraudulent sale agreement involving respondent No.2, his nephew



CRM-M-41306-2024

Gurdev Singh, and complainant, Bhupinderjit Kaur, concerning a property of 20 acres in Rampur Mehrab, Tehsil Morinda, District Ropar. The land was later sold to a third party, prompting the registration of the aforementioned FIR by Bhupinderjit Kaur against the petitioner, respondent No.2 and others.

3. Learned counsel further submits that respondent No.2 subsequently lodged another FIR No.114 i.e. the FIR in question (Annexure P-2) dated 17.11.2022, alleging that agreement to sell dated 27.03.2021, was forged and that neither he nor his nephew had entered into such an agreement. As per allegations, the documents were fabricated to fraudulently sell his property. Learned counsel further argues that since the second FIR (Annexure P-2), is based on the same set of facts and pertains to the same property already under investigation in the earlier FIR, the issues of fraud and forgery raised in the second FIR fall within the scope of the first FIR. Therefore, learned counsel submits that the second FIR amounts to double jeopardy, as it would subject the petitioner to parallel proceedings for the same alleged offence.

4. On a pointed query posed to the learned counsel regarding the stage of trial, learned counsel submits that the matter is still pending investigation. Further when question whether the complainants in both the aforementioned FIRs are the same, learned counsel has replied in the negative.

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



CRM-M-41306-2024

6. It needs to be emphasized that while this Court is indeed vested with extraordinary powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, these powers must be exercised with great caution and judicial prudence. At this preliminary stage, the Court's enquiry is limited to determining whether the FIR in question discloses the commission of a cognizable offence. The Court is not to delve into the merits of the allegations or consider the defence put forth by the accused at this juncture.

7. Turning to the case at hand, learned counsel for the petitioner has raised several disputed questions of fact, which can only be appropriately addressed during the course of the trial when the evidence is presented by the parties and subjected to cross examination. At this nascent stage, the Court is not in a position to examine the veracity of the allegations or entertain the claim of the petitioner with respect to his false implication.

8. Furthermore, a perusal of the material on record reveals that the complainants and the police stations in both the FIRs are different. Additionally, the allegations in the two FIRs pertain to distinct offences. While the first FIR No.102 dated 06.09.2022 revolves around allegations of cheating, the impugned second FIR No.114 dated 17.11.2022 primarily concerning offence of forgery. Both the FIRs deal with separate transactions and raise distinct legal issues. Therefore, the matters raised in the second FIR are independent of the issues addressed in the first FIR and merit investigation on their own merits.

9. In the light of the foregoing, this Court finds no merit in



CRM-M-41306-2024

the instant petition, which is accordingly dismissed.

10. 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.

22.10.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No