

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48431-2023 (O&M)

Date of Decision: 25.07.2024

Harpreet Singh

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Dinesh Mahajan, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Mr. Kartik Gupta, Advocate for respondent No.2

Sandeep Moudgil, J.

(1). This petition under Sections 482 CrPC has been filed by the petitioner seeking quashing of the FIR No.105 dated 15.07.2023 under Sections 406/420 IPC, registered at Police Station Lalru, District SAS Nagar (Annexure P1).

(2). Learned counsel for the petitioner contends that he himself was the victim of fraud at the behest of the complainant by one of his relative Gurmeet Singh as both the petitioner and complainant were aspiring to go abroad. He submits that the complainant did not take any action against Gurmeet Singh who is based at Sweden and all the dealings were effected at done at Delhi. It is then urged that a compromise was struck between the parties as both the petitioner and the complainant were cheated by third party Gurmeet Singh and in the compromise dated 08.04.2022, it was agreed and settled between the parties to quash the FIR regarding which a petition i.e. CRM-M-17400-2022 was also filed and this Court allowed the same vide order dated 20.09.2022.

(3). He further argued that the complainant Jatinder Singh and his father Malkit Singh gave a complaint against the petitioner on 11.10.2022 to SSP Mohali which was ultimately consigned as no action was required vide enquiry report dated 09.12.2022 (Annexure P6 at page 38) and notwithstanding that, the complainant filed the instant FIR on the same allegations as contained in the complaint dated 11.10.2022. He contends that once in the enquiry, the complaint has already been found to be without any basis, then the lodging of the present FIR itself is bad in law.

(4). Learned State counsel submits that the petitioner is a habitual offender as already he has been found involved in 4 other criminal cases. He contends that the FIR cannot be quashed on flimsy grounds as alleged by the petitioner particularly in view of the fact that he has been specifically named in the FIR with serious allegations that he cheated and duped the complainant of Rs.8,50,000/- on the pretext of sending him to Europe.

(5). On the other hand, learned counsel for the complainant/respondent No.2 has filed the reply dated 24.07.2024 which is taken on record wherein it has been averred that though the complaint dated 11.10.2022, as hyped by the petitioner in the petition, was consigned, yet it needs to be highlighted that the same was done by the police authorities solely on jurisdictional issues and the said fact was subsequently deliberated upon by the authorities in the status report dated 14.02.2024 wherein it has been categorically stated that petitioner Harpreet Singh had taken the amount of Rs.2,00,000/- from the complainant at Village Lalru and as such from the verification conducted, FIR No.105 was found to be registered on the basis of true and correct facts.

(6). Heard learned counsel for the parties.

(7). The complainant/respondent No.2 filed complaint on 11.10.2022 to SSP, Mohali alleging that he has been cheated at the hands of the petitioner who took Rs.8,50,000/- cash for sending respondent No.2 abroad, however, the Economic Offences Wing instructed the complainant to file complaint before the Commissioner of Police, Jalandhar as the incident happened at Rama Mandii Chowk, Jalandhar.

(8). It appears that as per the statement made by the complainant in the enquiry and enquiry report, no such offence was committed at Mohali as the money transaction, if any, had taken place at Jalandhar. The complaint was addressed to SSP, SAS Nagar Mohali and it was same authority who consigned the complaint on jurisdictional issue. However, thereafter, the instant FIR has been got lodged by the complainant on the basis of the complaint which too was addressed to SSP, Mohali on the basis of distorted facts which were earlier missing in the complaint dated 11.10.2022 but were subsequently and suitably incorporated which culminated into filing the present FIR. How can it be possible that the authority who, at the very first instance consigned the complaint of the respondent No.2 instructing the complainant to file complaint in Jalandhar, subsequently accepted the complaint of the respondent No.2 based on similar facts and allegations ultimately leading to lodging of the instant FIR?

(9). Moreover, the petitioner had filed FIR No.29 dated 04.04.2022 under Sections 323/324/34 IPC at PS Fatehgarh Churian, District Gurdaspur which was quashed by a Coordinate Bench of this court vide order dated 20.09.2022 on the basis of compromise having been struck between the respondent No.2 and the petitioner. Meaning thereby that the respondent No.2 had no grudge against the petitioner and it was for this reason that he got the

FIR No.29 dated 04.04.2022. It does not lie in the mouth of the respondent No.2 to now turn around and level allegations which have no legs to stand and thus cannot be allowed to sustain.

(10). Accordingly, this petition is allowed and the FIR No.105 dated 15.07.2023 under Sections 406/420 IPC, registered at Police Station Lalru, District SAS Nagar (Annexure P1) qua the petitioner is hereby quashed.

25.07.2024
V.Vishal

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

(Sandeep Moudgil)
Judge

Yes/No
Yes/No