

2024:PHHC:165717



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-56619 of 2024
Date of Decision: 14.11.2024

Prakash Chand Meena ...Petitioner
Versus
State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Dinesh Singh Rawat, Advocate, for the petitioner.
Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash the FIR No. 0022 dated 24.09.2024 under Section 7 of Prevention of Corruption Act, 1988 registered at Police Station ACB, Rohtak (Annexure P-1).
2. The FIR in the present case was registered against the present petitioner and others on the basis of a complaint moved by Ajay Kumar son of Shri Ranjit Singh and the translation of the relevant extract of the FIR has been reproduced below:-

“This is the request that I am Ajay Kumar s/o Shri Ranjit Singh resident of House No. 1428 Sector 4 Ext. Rohtak. I am the director of my company Northlay food

Pvt. Ltd. My company has set up its rice mill in village Ghilod Khurd District Rohtak, whose GST No is 06AARCS137CB12C. Our company has contracted rice milling with Haryana State Warehouse Corporation Rohtak under CUSTOM MILLING POLICY (CMR 2023-24). Under which our mill has got 49170.75 quintal paddy, after preparing rice from which we have to give rice to FCI depot Gohana. After milling, we have to give back 67% of total rice allotted to our mill by HSWC and 1% FRK has to be mixed in it. We prepare rice and send it to FCI depot Gohana by truck. A truck carries 580 bags (50 KG rice per bag), which is a total of 290 quintals of rice. The quantity of rice carried in 6 trucks is called a stage. Whenever a truck goes to FSD Gohana, so first of all the quantity of rice is weighed on the weighing scale of FSD Gohana. After that the bags of rice are unloaded in the depot. After that the quality control officers check the quality of rice and take samples. If the sample fails, the rice is returned and if the sample passes, the rice is stored inside the depot. So far 112 trucks of rice prepared by our mill have been put in FSD Gohana. So far we have given a total of about 32480 quintals of rice to FSD Gohana. The employees of FSD Gohana harassing in different ways by threatening to weigh wrongly or not weighing more than 40 ton and Quality Control employees create pressure for corruption by threatening to fail sample of rice, failing which to fail the vehicle, therefore Rice mill owners are forced to bribe them. They have taken several lakh rupees as bribe from me and my mill manager Vinod Singh S/o Shri Ujkaran resident Shital Nagar Rohtak. These include Technical Assistant of

Quality Control Dharmendra Yadav, Depot Clerk, Ravindra Saini and Dharmakata Incharge Vinod. Before this Prakash Chand Meena, former Manager (QC) has also taken bribe money from us. The recording of the conversation between mobile phone between me and my manager Vinod regarding bribe is also recorded in my mobile phone and Vinod Singh manager's mobile phone. Some trucks of rice prepared from our mill are still pending to be put in FSD Gohana but the above accused are demanding bribe from me by putting pressure to fail sample in our trucks. Regarding bribe and money transaction, on 20/09/2024 at around 8.18 A.M., I had a Whatsapp call with Dharmendra Yadav TA on his mobile number 7083743066 from my mobile number 8930303103. I also recorded it from my other mobile. After that, I went to the depot and talked to the above accused, they also demanded bribe from me verbally. Now Dharmendra Yadav is demanding about one lakh thirty thousand for 4 stages i.e. 24 vehicles, out of which I have already given fifty thousand rupees. Ravindra Saini and Vinod Dharmakata Incharge are now demanding a bribe of about 70,000 rupees from me. Other employees/officers are also in collusion with these people in taking bribe. The above accused demand money in the name of all. I do not want to give bribe to those people and want to catch them red handed. I will put the recordings made on my mobile phone regarding the bribe in a pen drive and present them to you later. Please take legal action against them”.

3. Learned counsel for the petitioner contends that the petitioner is working as a Manager (Quality Control) in Food Corporation of India, Rohtak (hereinafter to be referred as '**the FCI**'). The petitioner applied for leave w.e.f. 05.07.2024 to 07.07.2024 and vide office order (Annexure P-2), the said leave was sanctioned on 09.07.2024. On 08.07.2024, he informed respondent No. 5 on mail that he was unable to resume duties on 08.07.2024 due to some domestic reasons. Thereafter, on 19.07.2024, respondent No. 5 assigned the additional charge of the post of the petitioner to Pawan Kumar Gautam, Manager (Quality Control), Safidon till the date of joining the duties by the petitioner. Learned counsel further contends that the petitioner thereafter continued on leave and joined his duties on 30.09.2024. He further submits that the trap was laid down by the Anti Corruption Bureau on 24.09.2024 and the FIR was also registered on the same day. Thus, on 24.09.2024, the petitioner was not in Haryana and has been wrongly arrayed as an accused in the present case. Learned counsel further contends that only vague and unsubstantiated allegations have been levelled by the complainant against the petitioner by alleging that earlier the petitioner was posted as Manager (Quality Control) Gohana and had taken the money from the complainant. He further contends that even the raid was conducted at his back and he was wrongly nominated as an accused in the present case. Thus, the continuation of proceedings against the

petitioner is a clear cut case of misuse of the process of the law and the FIR is liable to be quashed by this Court.

4. I have heard the learned counsel for the petitioner and perused the case file carefully.

5. In the present case, the FIR was registered on the basis of the statement made by Ajay Kumar, Director, Northlay Food Private Limited that he was running his rice mill in village Ghilod Khurd District Rohtak. He had entered into an agreement with Haryana State Warehouse Corporation Rohtak and as per that he had supplied the rice to FCI. However, the official of the FCI used to harass the owners of the rice mills by not weighing the rice properly and also used to pressurize the owners of the rice mills to pay bribe otherwise they would not clear the sample of rice and the rice would be shown to be of substandard quality. The complainant clearly stated that Prakash Chand Meena, Manager (Quality Control), petitioner had also taken bribe from them. Even, he stated that the conversation regarding demand of bribe was recorded by the complainant and his Manager Vinod Kumar. Thus, after recording the statement of the complainant, a raid was conducted and the accused were apprehended by the police.

6. In the present case, the petitioner has been specifically named as an accused in the present case. It has been clearly stated by the complainant that the petitioner had already taken huge bribe from the complainant and he had recorded the conversation with the

officials of the FCI in this regard. Apart from that, after registration of the FIR, the raid was conducted by the officials of Anti Corruption Bureau. Even during the course of investigation, the recordings of the officials of FCI were collected by the police, which clearly showed that the officials of the FCI including the present petitioner used to take bribe from the complainant for clearing their vehicles loaded with rice. Even, they used to threaten the owners of the rice mills, just to extract the money from them.

7. Still further, the FIR in the present case has been registered only on 24.09.2024 and the investigation in the present case is at the nascent stage. As per the complainant, there are recordings in the phone, which clearly prove that the petitioner and other officials of the FCI had demanded bribe from the complainant. Even, the complainant has stated that the petitioner had taken bribe from him and his manager and he had also recorded the conversation in his phone in this regard. Consequently, at this stage, there was sufficient incriminating evidence against the present petitioner.

8. Still further, the FIR in the present case was registered on 24.09.2024 and the police is investigating the matter against all the accused in the present case. This Court as well as the Hon'ble Supreme Court have held in number of judgments that the FIR should not be quashed at the initial stage to stifle the legitimate prosecution in a FIR. Still further, the petitioner alleged that he was on leave from 07.07.2024 to 30.09.2024 and he could not have demanded the bribe

from the complainant. However, there is no force in the said statement made by the petitioner. The complainant has clearly levelled allegation against the petitioner that the petitioner had taken bribe from the complainant and he was also having proof of the conversation between the complainant and the petitioner with regard to the demand of bribe by him.

9. Still further, this Court cannot quash the proceedings by going into the merits of the case at this stage and the annexures annexed with the petition can never be treated as exhibits in a trial. The investigation is going on against the petitioner and other co-accused and it would be inappropriate to quash the proceedings, at this stage.

10. Finding no merits, the petition is ordered to be dismissed.

11. Anything stated herein-above shall not be construed as an expression of opinion on the merits of the present case.

14.11.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

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