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

**CRM-M No.6216 of 2025
Date of Decision: 03.02.2025**

Randhir Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh K. Dadwal, Advocate and
Mr. Naveen Kumar Mehra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of FIR No.172, dated 25.03.2023, under Sections 120-B, 406, 420 of IPC, 1860, registered at Police Station City Fatehabad, District Fatehabad on the basis of the victim's affidavit dated 22.04.2024 (Annexure P-3) stating that the petitioner has no role in the abovesaid FIR and statements of complainants No.1 & 2, namely, Yashpal s/o Jai Bhagwan, Suraj Kumar s/o Mai Ram dated 20.12.2024 clarifying the role of the petitioner that complainant No.3 Satveer s/o Shri Rajaram having personal ill will against the petitioner and at the time of registration of the FIR, police official's and complainant No.3 made a plan and according to that plan,



they have forced complainants No.1 & 2 to give the name of present petitioner to implicate in false case by police official's, along with all subsequent proceedings arising therefrom on the basis of reason and submission made herein to protect the innocent qua petitioners as well to stop abuse of process of law and to meet the ends of justice. Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition and for protecting the petitioner and complainants from the concerned police officials as they are directly involved in this case and initiate an official inquiry against them for this kind of illegal acts done by them to harass the innocent people.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the impugned FIR. He has submitted that false and frivolous allegations were levelled against the petitioner for duping the complainant of heavy amount on the pretext of providing him job. He has submitted that now the complainant/respondent No.2 has given an affidavit by stating that the petitioner was not involved in the present case. He has submitted that complainant, namely, Naresh Kumar @ Kundu had given an affidavit dated 22.04.2024 and had deposed that there was no complicity of the petitioner as alleged in the impugned FIR. He has submitted that the petitioner was falsely implicated in this case. Learned counsel has thus submitted that prosecution of the petitioner would be nothing but an abuse of the process of Court and hence, the impugned FIR qua the petitioner be quashed.



3. Learned State counsel however has opposed the submissions made by learned counsel for the petitioner. He, on instructions from SI Shadi Ram, has submitted that in all there are 05 accused in the present case, out of which 03 were declared proclaimed offender, 01 was dead and against one of the accused, publication was issued for 14.03.2025. He has further submitted that challan in the present case is not presented.

4. The Court has heard learned counsel for the parties and perused the record with their able assistance.

5. From perusal of the FIR, it is apparent that the petitioner is specifically named in the FIR. As per the allegations, the petitioner along with co-accused had duped the complainant on the pretext of providing him a job. The matter is under investigation. Out of total 05 accused in the present case, 03 were declared proclaimed offender, 01 was dead and against one of the accused, publication was issued for 14.03.2025. Challan in the present case is not presented. The only ground taken by the petitioner that the victim had given an affidavit that the petitioner was not involved in the case. Thus it is apparent that the arguments raised by the petitioner before this Court are purely disputed question of facts which cannot be answered and entertained by this Court under its inherent jurisdiction. Needless to say that the case is under investigation.

6. Hon'ble the Supreme Court in the case of *Neeharika Infrastructure Pvt. Ltd. vs. State of Maharastra and another*, 2021 SCC Online SC 315 has held that the High Court should exercise the power of quashing under Section 482 Cr.P.C. sparingly with great circumspection



that too in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

7. Thus this Court finds that the issue involved in the present case is based on disputed questions of facts and the investigation in the case is still pending. Hence weighing the facts and circumstances of the present case, on the anvil of the law settled, this Court does not find any merit in the present petition and thus, the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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