



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-12799-2025

Date of decision: 07.03.2025

Rakesh Kumar Mittal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lalita Singla, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has approached this Court under Section 482 of the Cr.P.C. for quashing of FIR No.0067 dated 04.12.2023 under Sections 420, 465, 467, 468, 471 and 120-B of the IPC (Section 384 of the IPC added lateron), registered at Police Station Handesra, District SAS Nagar (Annexure P-1), along with all subsequent proceedings arising therefrom, including final report dated 22.02.2024 (Annexure P-8).

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case, and the allegations against him are based solely on the disclosure statement of a co-accused, namely Sandeep Kumar, which is inadmissible in law. It is submitted that the allegations against the petitioner pertain to the alleged extortion of Rs.25 lakhs from the employer of the co-accused, but there is no direct or independent evidence linking the petitioner to the alleged offence. Furthermore, no recovery has been effected from



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the petitioner.

3. It is further contended that the petitioner, being a panel member of various banks, had lodged complaints regarding fraudulent activities involving fake vehicle registration numbers. The petitioner had also approached the office of the SDM, Kharar, to submit a complaint regarding alleged illegal activities by employees of the Registration Authority, Kharar.

4. Learned counsel has invited the attention of this Court to Annexure P-12 and submitted that the petitioner has been falsely implicated as a consequence of vendetta. It is contended that respondent No.5 had obtained fraudulent registration numbers for a stolen Toyota Fortuner from the Registration Authorities of Kharar and Chandigarh, and an FIR had already been lodged against him at police station Dwarka, New Delhi. The petitioner had raised concerns regarding such fraudulent activities, and as a result, respondents No.3 to 5, in collusion with the investigating officer, have falsely implicated the petitioner to settle scores and silence him.

5. Learned counsel has also contended that the final report filed by the police under Section 173 of the Cr.P.C. on 04.03.2024 does not contain any specific allegations against the petitioner, and the entire case of the prosecution against him is vitiated by malafides and lack of evidence.

6. I have heard learned counsel for the petitioner and perused the relevant material on record, including the FIR (Annexure P-1).

7. A perusal of the FIR in question reveals that a specific and



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reliable information was received from a special informer regarding fraudulent procurement and sale of high end vehicles with forged registration numbers. The said racket was allegedly operating in connivance with officials of the registration authorities, and the petitioner was named as one of the key accused involved in the commission of these offences.

8. The scope of interference under section 482 of the Cr.P.C./528 of the BNSS for quashing an FIR has been well delineated by the Supreme Court in ***State of Haryana and others Vs. Ch. Bhajan Lal and others (1992 AIR SC 604)***, wherein it was held that an FIR can be quashed only in exceptional circumstances where the allegations made in the FIR, even if taken at face value, do not disclose the commission of an offence; the criminal proceedings are manifestly attended with malafides or malicious prosecution; the allegations are absurd or inherently improbable; the FIR is lodged with the ulterior motive of wreaking vengeance.

9. In the present case, it stands revealed that the petitioner and the co-accused besides allegedly obtaining high end vehicles from various states, fraudulently re-registered them in different cities of Punjab in connivance with the officials of the registration authorities, and subsequently had been selling these vehicles at lower prices to unsuspecting buyers. Furthermore, allegedly all the accused including the petitioner were tampering with even the chassis numbers, engine numbers and registration details of these vehicles. The allegations, on the face of it, disclose a *prima facie* case against the petitioner.



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10. The contention of the petitioner that his implication is solely based on the disclosure statement of a co-accused cannot be accepted at this stage, as the investigation has already yielded independent material which shall be tested during the course of trial. Moreover, the final report submitted under Section 173 of the Cr.P.C. does not exonerate the petitioner from the allegations and rather forms a basis for proceeding against him.

11. The contentions raised by the petitioner including his claim of false implication due to prior complaints against officials and private respondents, are disputed questions of fact that require adjudication upon appreciation of evidence. Such factual controversies cannot be gone into by this Court in exercise of its inherent powers under Section 482 of the Cr.P.C./528 of the BNSS. It needs to be reiterated that at the stage of quashing in FIR, the Court cannot embark upon a mini trial or assess the veracity of the defence raised by the accused.

12. Furthermore, the argument that no recovery has been effected from the petitioner does not automatically render the case of the prosecution baseless. Recovery is merely one aspect of evidence and does not constitute the sole determinative factor in criminal liability. The involvement of an accused can be inferred from circumstantial and documentary evidence, which can only be evaluated during trial.

13. In view of the aforesaid discussion, this Court finds no ground to quash the FIR in question, as the allegations against the petitioner are of a serious nature and require a full-fledged trial for



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adjudication. The grounds urged by the petitioner pertain to his defence, which can be appropriately considered at the relevant stage before the learned Trial Court.

14. Accordingly, the instant petition is hereby dismissed.

15. 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.

07.03.2025

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No