IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 **CRM-M-52622-2023**
Date of Decision: 08.07.2025

SHWETA CHHABRA AND ANR ....PETITIONERS

Versus

STATE OF PUNJAB .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL.

Present: Mr. Sherry K.Singla, Advocate for the petitioners.

Mr. Amandeep Singh Samra, AAG, Punjab.

<u>H.S.GREWAL, J (ORAL)</u>

1. This petition has been filed under Section 482 Cr.P.C for the quashing of impugned FIR No. 277 dated 26.11.2022 under Section 61 of The Punjab Excise Act, 1914 and Sections 120-B, 420, 465, 468, 471 IPC 1860 registered at Police Station Division No.8, District Police Commissionerate, Ludhiana and all other consequential proceedings arisen therefrom.

2. The case of the prosecution is that during checking, the petitioners were found in possession of 40 bottles of foreign brands without track and trace system and 230 bottles without hologram to be kept in a room near bathroom of Ahata situated backside of Theka ESI; 195 bottles of different English/Foreign brands without hologram and track and trace to be kept in a room adjacent to the bathroom of Ahata situated backside of Theka Mall road and 160 bottles of different brands without hologram to be kept in a locked room at the upstairs crossing inside path of the Theka Lajpat

Nagar.

3. Learned counsel for the petitioners submits that the petition is regarding the recovery which has already been penalized by Excise Department. The petitioners have been prosecuted by the Excise Department in their relevant proceedings under the Special Act and imposed a fine of Rs.11,04,313/- which they have duly deposited. However, parallel to this, the present impugned FIR was also registered which amounts to retrial and double jeopardy. Therefore, the petitioners are seeking quashing of the FIR since they have already faced the proceedings under the Special Excise Act as well as deposited the fine so imposed upon them for the alleged offence. Reliance has been placed on the judgment passed by this Court in CRM-M-41075 of 2018 decided on 17.11.2022. The relevant paras of the said judgment is reproduced as under:-

> *" 11. The FIR had been lodged by the police against the petitioner, who was a driver of car, in which the unused liquor, for the purchase of which his employer had obtained a permit, was found, though the power to detain was with the Excise Officer. There is no allegation against the petitioner regarding removal of any intoxicant from any distillery, brewery or warehouse established or licenced nor of any intoxicant having been recovered.*
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> *12. A distinction has been drawn as per the amended provisions of the Act between the offences in respect of the intoxicants other than the liquor which would be triable by a court of law, while the offences under the* Excise Act *would be adjudicated/decided by the Excise Department and its officers."*

4. It has been pointed out by the learned counsel for the petitioners that the offences under Sections 465, 468 and 471 IPC have

already been deleted. The challan has only been presented under Section 61 of the Excise Act and 420 of the IPC. However the offence of Section 420 IPC has also been resolved since the petitioners have deposited the fine as per fine imposed by the Excise Department, which was imposed after hearing the party.

5. Learned State counsel submits that the fine was deposited after the registration of the FIR. However, it is argued that proceedings under the Excise Act had been initiated way before the FIR was registered and subsequently order was passed on 26.12.2022 and the fine was deposited thereafter.

6. I have heard the submissions made by the parties and gone through the record.

7. The petitioners in this case have already been penalized under the Punjab Excise Act, 1914, a specific law designed for such offences. They deposited a fine of Rs. 11,04,313/- to the Excise Department. Now, facing another police case (FIR) for the exact same actions is seen as an unfair double punishment, which is against the legal principle of double jeopardy. This principle prevents someone from being tried or punished twice for the same crime. The charges under Sections 465, 468, and 471 IPC have already been deleted. Even the charge under Section 420 IPC stands resolved, since the petitioners deposited the fine imposed by the Excise Department after a proper process. While the State argued that the fine was deposited after the FIR was filed. However, it is important to note here that the Excise Act proceedings started before the instant FIR was registered.

The fine order came later, and the petitioners deposited the same. This timeline shows that they have already been penalized for the same conduct. So, allowing the criminal case based on the FIR to continue would be an abuse of law. It would be unfair to punish the petitioners twice for the same alleged wrongdoing.

8. Keeping in view the aforesaid facts and circumstances, this petition is allowed and FIR No. 277 dated 26.11.2022 under Section 61 of The Punjab Excise Act, 1914 and Sections 120-B, 420, 465, 468, 471 IPC 1860 registered at Police Station Division No.8, District Police Commissionerate, Ludhiana and all other consequential proceedings arisen therefrom are quashed qua the petitioners.

(H.S.GREWAL)
JUDGE

08.07.2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No