

2025:PHHC:002131



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55973-2024
DECIDED ON: 09.01.2025

PRADYUMAN ARYA ALIAS PRADUMN ARYA
.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.
.....RESPONDENTS

CRM-M-28246-2024

M/S S S MOTORS
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harshit Joon, Advocate
for the petitioner(s).

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

Vide this common order this Court intends to dispose of both the
above-said petitions as common question of law is involved therein.

In addition to above, it is pertinent to mention here that both the
petitions are filed by the same person, out of which one is filed by the company
through its proprietor and the other is filed by Pradyuman Arya @ Pradyuman,
who is none other than the proprietor of the company.

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., seeking quashing of order dated 22.10.2024 (Annexure P-1) passed by learned Additional Sessions Judge, Narnaul and order dated 27.08.2024 (Annexure P-2) passed by Judicial Magistrate 1st Class, Mahendergarh in FIR No.201, dated 02.12.2022, under Sections 120-B, 420, 467, 468 and 471 of IPC, registered at Police Station Satnali, District Mahendergarh.

The petitioner namely Pradyuman has moved an application seeking release of vehicle on Superdari bearing No.(T-1022-UK-7139) claiming himself to be the registered owner. He has relied upon a copy of Temporary Registration Certificate of the said vehicle alongwith Insurance Policy loan document. It is apparent from the record that the said vehicle was taken into possession by the police in the instant FIR No.201 dated 02.12.2022 under Sections 120-B, 420, 467, 468 and 471 of IPC, registered at Police Station Satnali, District Mahendergarh.

It is contended on behalf of the petitioner that the condition of said vehicle is deteriorating in the police station, wherein there is no proper space to park the same and otherwise also it would not serve any material purpose by keeping the vehicle in police compound. The petitioner also tenders undertaking that vehicle may be released on Superdari in his favour subject to any condition and he will abide by the same.

Mr. Baljinder Singh Virk, Sr. DAG Haryana on instructions from Pervi Officer raised objection to the said prayer asserting that the vehicle is a case property in the instant FIR, therefore, could not be released. He would also refer to an order whereby similar application moved by the petitioner himself was withdrawn by suffering a separate statement and, therefore, raises question to the maintainability of the second application and the instant application.

Mr. Virk has further drawn attention of this Court to the fact that the vehicle in question was purchased through the money got from sham transaction by defrauding the complainant to the tune of Rs.1 crore 20 lacs and the accused has been charge-sheeted with the allegations alongwith other co-accused for having hatched a criminal conspiracy with dishonest intention to grab the said amount, who are also guilty of forged and fabricated documents of loan including the forged loan document agreement of KYC for vehicle loan.

Be that as it may, having regard to the statements made on behalf of the learned counsel for respective parties, there is no dispute to the fact that vehicle in question is a case property in the above-said FIR, the ownership is though claimed on the basis of Temporary Registration Certificate, but the same reveals that it is hypothecated in favour of Housing Development Finance Corporation (HDFC), Bhiwani and the said Temporary Registration Certificate was valid only upto 07.04.2023. It is also not in dispute that since then no original or copy of permanent certificate of Registration of said vehicle in question has been issued by the Authority i.e., Regional Transport Office.

This Court cannot loose sight of the fact that the petitioner is guilty of concealing the factum of earlier application for similar cause of action seeking release of the same vehicle on Superdari, but was withdrawn by him vide order dated 09.01.2024 against which a revision was also preferred and was dismissed by the Court of Additional Sessions Judge, Narnaul vide order dated 22.10.2024.

Apart from that there are serious allegations of fraudulent mis-utilization of huge amount, which involves economic offence causing loss to the investor money.

Accordingly, this Court is of the firm view that the order dated 27.08.2024 (Annexure P-2) passed by Judicial Magistrate 1st Class, Mahendergarh

and order dated 22.10.2024 (Annexure P-1) passed by Additional Sessions Judge, Narnaul do not suffer from any illegality or any infirmity, which are just and legal. Hence, this petition fails and is accordingly ordered to be dismissed with no order as to costs.

09.01.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>