
(2023) 03 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 23742 Of 2022 (O&M)

Brains Logistics Pvt Ltd

APPELLANT

Vs

Aman Yadav And Others

RESPONDENT

Date of Decision : 09-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 340, 482
Indian Penal Code, 1860 — Section 120B, 191, 192, 193, 196, 199, 200, 203, 209,
420, 467, 468, 471

Citation : (2023) 03 P&H CK 0024

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Roopdarshan Panday, Parminder Singh

Final Decision : Dismissed

Judgement

Gurvinder Singh Gill, J

1. The petitioner seeks initiation of proceedings under Section 340 Cr.P.C. read with Section 482 Cr.P.C. on the ground that the respondents had committed offences under Sections 191, 192, 193, 196, 199, 200, 203, 209, 467, 468, 471 read with Section 120-B IPC, having furnished a fabricated statement of accounts while filing reply in CRM-M-25759-2021.

2. Petitioner has drawn the attention of this Court to affidavit dated 16.11.2021 of Sh. Aman Yadav (respondent No.1), Assistant Commissioner of Police, Sadar, Gurugram, filed in CRM-M-25759-2021 and also affidavit dated 02.12.2021 of Sh. Maqsood Ahmed, Deputy Commissioner of Police, East, Gurugram, which is accompanied by statement of deposits, which according to petitioner is a fabricated document, whereas the correct statement of accounts in respect of the period in question is Annexure P-12. Petitioner has submitted that as a matter of fact, the complainant managed to get the FIR lodged against the petitioner on the basis of the said forged and fabricated statement and that the said fact was very much in the knowledge of the respondents at the time of filing their reply in

CRM-M-25759-2021. The learned counsel for the petitioner, in order to hammer forth his aforesaid submission, has referred to letter dated 19.12.2016 sent by SI Suresh Chand to ICICI Bank requesting for the requisite particulars.

3. This Court has considered the rival submissions.

4. As per the petitioner, it is the complainant-company (complainant in FIR No.842 dated 17.12.2013 under Sections 420, 467, 468, 471, 120-B IPC, Police Station Sadar, Gurugram) which had furnished incorrect statement of deposits to the police at the time of lodging of the FIR. In these circumstances it cannot be presumed that the police also was aware that the said statement was fabricated. Though the petitioner has referred to letter dated 19.11.2016 (Annexure P-9) to contend that the police was very much aware about the statement in question being forged and fabricated statement, but the said letter does not indicate so. The contents of the said letter are reproduced herein under:

"It is submitted that in respect to the abovementioned case a letter dated 17.01.2014 was sent by Jeet Singh ASI requesting you to give cheque and DD records pertaining to current account No.003105022299 to which a reply dated 23.01.2014 was given by you. Please provide the copy of the reply given by you with certified stamp by bank and your sign."

5. Vide the aforesaid letter, the police has requested the bank concerned to furnish the record pertaining to the cheque and DDs in respect of the current account No.003105022299 and there is no specific query as regards the authenticity of the statement and nor any period has been specified therein. It is only Sh. Aman yadav, Assistant Commissioner of Police, Gurugram (arrayed as respondent No.1 in present petition) and Sh. Maqsood Ahmed, Deputy Commissioner of Police, Gurugram (not a party in this petition) who had filed their affidavits in CRM-M-25759-2021. The allegedly forged statement in question is annexed with affidavit of Sh. Maqsood Ahmad filed in CRM-M-25759-2021, but he is not even impleaded as respondent. The State at the time of filing reply/affidavits in CRM-M-25759-2021, annexed the documents which had been produced by complainant before police. In these circumstances it cannot be said that some incorrect fact had been stated intentionally by the respondents before this Court so as to justify initiation of proceedings under Section 340 Cr.P.C. The petition is sans merit and is hereby dismissed.