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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22711 of 2015

Date of Decision: December 15, 2015

Gurdip Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Sharma, Advocate for
Mr. R.K. Singla, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG Punjab.

Mr. J.S. Lalli, Advocate
for respondent No.3.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.15 dated 19.02.2015, under Section 420 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Airport, Amritsar City and all consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that the petitioner had gone to England in the year 1997 on the basis of genuine Passport. When petitioner visited India on 19.02.2015, FIR in question was registered against him on the assumption that his name was Gurbhej Singh Bheja and his passport was not genuine. However,

the matter has been duly investigated by the police and it has been found that the petitioner had arrived in India on a genuine passport and a valid Visa and Gurdip Singh alias Gurbhej Singh alias Bheja was one and the same person.

Learned State counsel has submitted that the matter was duly investigated by the police and it transpired that Gurdip Singh alias Gurbhej Singh alias Bheja was one and the same person and had landed in India on a genuine passport and valid Visa and was found innocent and report had been submitted for cancellation of the FIR in question.

Learned counsel for respondent No.3 has submitted that when the petitioner landed at Amritsar airport, his documents were scrutinized and his credentials were found doubtful and the matter was referred to the police for investigation.

In the present case, after investigation of the case, cancellation report was submitted in the Court. Since the complainant did not agree with the cancellation report, the Magistrate, vide order dated 24.04.2015, ordered that the matter be investigated further in accordance with law.

As per the latest status report submitted by the investigating agency, the matter was further investigated and it transpired that the petitioner had gone to England

about 15/16 years ago and was a British citizen. It has further transpired that Gurdip Singh alias Gurbhej Singh alias Bheja was one and the same person who had arrived in India on the basis of genuine passport and valid Visa. Hence, cancellation report was liable to be filed in the Court.

Learned State counsel who is assisted by Assistant Sub Inspector Malkiat Singh has submitted that the petitioner is not required in any other criminal case.

Thus, from the investigation conducted by the police authorities, it is evident that the petitioner was traveling on a genuine passport and a valid Visa. Hence, continuation of criminal proceedings against the petitioner would be nothing, but an abuse on process of law.

Accordingly, this petition is allowed. FIR No.15 dated 19.02.2015, under Section 420 IPC, registered at Police Station Airport, Amritsar City and all consequential proceedings, arising therefrom, are quashed.

**(SABINA)
JUDGE**

December 15, 2015
mahavir