

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29879 of 2015

.....

Date of decision:8.9.2015

Kulbir Singh and another

...Petitioners

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ranjan Lakhanpal, Advocate for the petitioners.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of order dated 16.3.2015 (Annexure-P.5) passed by learned Additional Sessions Judge, Sangrur, whereby revision petition filed by petitioners has been dismissed and order dated 3.5.2014 (Annexure-P.4) passed by learned Chief Judicial Magistrate, Sangrur, whereby charge has been framed against the petitioners under Section 420 IPC.

I have heard learned counsel for the petitioners and have gone through the record.

As per the prosecution version, the FIR has been registered on the statement of Jasvir Singh in which allegations have been levelled against both these petitioners for committing fraud on the pretext of sending

abroad. It is in the application that Hardeep Kaur and her husband Kulbir Singh had taken ₹5 Lacs for sending complainant's son Hardeep Singh to abroad (U.S.A.). According to writing, Hardeep Singh after completing six months study/course at Mauritius, then he was to receive 400 to 600 Dollars per month salary during training as already settled and then he was to send to U.S.A. in a proper manner. In July 2011, the complainant's son was sent to Mauritius. At the completion of study/course and expiry of Visa, the complainant contacted the accused and they told the complainant's son that he should start living in Mauritius country in an illegal manner and later he will make arrangements.

Keeping in view these allegations in the FIR, in no way, it can be held that it is a case of civil nature or only amounts to breach of the contract.

At the time of framing of the charge, the Court is only to see whether on the basis of evidence, prima facie case is made out or not. Even on a strong suspicion charge can be framed. Against the order of framing charge dated 3.5.2014 passed by the learned Chief Judicial Magistrate, Sangrur, revision petition has been filed, which was also dismissed by the learned Additional Sessions Judge, Sangrur, vide judgment dated 16.3.2015. I have gone through the record. No illegality has been pointed out in these orders by the learned counsel for the petitioners. In no way, the orders passed by the Courts below can be held as amounting to abuse of the process of the Court nor it can be held that no offence is made out against the present petitioners.

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Therefore, finding no merit in this petition, the same is dismissed.

September 8, 2015.

(Inderjit Singh)
Judge

hsp