

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-40193 of 2015

Date of decision: December 02, 2015

Narinder Singh @ Chhindi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.D.S.Pheruman, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.23 dated 02.03.2015 under Sections 420 and 406 IPC registered at Police Station City Hoshiarpur and all subsequent proceedings arising therefrom as no offence is made out and this FIR is nothing but abuse of the process of law.

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

From the record, I find that FIR in the present case has been registered on the basis of the complaint against the present petitioner Narinder Kumar @ Chhindi, his wife, Vicky and Atul (nephew of Narinder Kumar @ Chhindu) with regard to cheating by making inducement to send to foreign country and receiving ₹2,08,000/- and not providing work permit and further by calling back

to India and also to resile from the promise by not sending to the foreign country nor returning the amount etc. Complainant Manoj Kumar mainly stated in the FIR that accused induced him and shown the business posture and further made assurance that he will provide him two years' work permit in Malaysia and he will make the arrangement of food, residence as well as medical facilities, upon which the complainant agreed. The accused settled the matter with the complainant for ₹3,20,000/- and demanded ₹60,000/- from the complainant. The payment was made through cheque. Again, the amount of ₹50,000/- was paid on 17.05.2014 and on 20.05.2014, another ₹50,000/- was paid. It is also the case that on 21.05.2014, complainant got the flight for Malaysia and accused told that he (complainant) will get the work in the Company at the moment he reach there. When he reached Malaysia, then he found that his VISA is only for three months. Thereafter, complainant contacted the accused. It is further stated that accused made a demand of ₹50,000/- more, which the complainant paid but the accused did not provide work permit to him and after expiry of one month, the complainant have to come back to India.

After going through the contents of the FIR, in no way, it can be held that no offence is made out. The FIR can be quashed if from the perusal of FIR itself, the Court finds that no cognizable offence has been committed. In the present case, report under Section 173 Cr.P.C. has not been presented and investigation is still going on. The filing of the present petition is firstly premature as

challan has not been presented and investigation is still going on and secondly, in no way, it can be held that filing of the FIR against the accused is miscarriage of justice or amounts to abuse/misuse of process of the law.

Learned counsel for the petitioner argued that the contract between the petitioner and accused is *void ab initio*, therefore, no offence is made out.

From the perusal of the FIR, this Court is to see whether the offence of cheating is made out or not. This Court is not to give finding which is required to be given on the basis of evidence collected by the Investigating Officer. At this stage, from the perusal of the FIR as well as the record, I do not find any ground to quash the FIR.

Therefore, finding no merit in the present petition, the same is dismissed. However, nothing stated above, will constitute my opinion on merits of the case in any way.

December 02, 2015
Vgulati

(INDERJIT SINGH)
JUDGE