

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-16625 of 2011

Date of decision : 16.02.2016

Gulshan Rai Bhalla & anr.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Surinder Sharma, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. B.D. Sharma, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 70 dated 25.03.2011 registered under sections 420, 120-B IPC at police station Bhargo Camp Jalandhar.

Learned counsel for the petitioners submits that instant FIR is a counter blast to the complainant filed by them against respondent no. 2. According to him, from the bare perusal of FIR no offence is made out against the petitioners. Same has been registered just to harass them. He has relied upon judgments reported as *Gian Singh & anr. vs. State of Punjab & anr.* 2012(5) RCR (Criminal) 326 and *Escorts Yamaha Motors Ltd. vs. State and Another* 1998(76) DLT 662.

Plea has been opposed by learned counsel representing the respondents. According to them, petitioners in connivance with

each other have cheated the complainant.

I have heard learned counsel for the parties.

It appears that FIR was lodged by Nisha Rani (respondent no. 2 herein). She alleged that she issued 10 blank cheques in presence of her husband Ashok Kumar to petitioner no. 1 as he has promised that he would arrange a loan for her. Thereafter, petitioner no. 1 took her signatures on some blank papers alongwith a copy of sale-deed of her house. However, he failed to arrange the loan but transferred a sum of ₹1,94,326/- in her account. It was settled between them that the same would be returned by her on monthly installments. Petitioner no. 1 for the purpose of security withheld the aforesaid blank cheques and documents. Thereafter, respondent no. 2 paid twenty monthly installments of ₹8110/- and ₹7,000/- in cash to petitioner no. 1. A total sum of ₹2,50,478/- was paid to him. Later, petitioners in connivance with each other misused the cheques of respondent no. 2 and filed a complaint under section 138 of the Negotiable Instrument Act, 1881. They alleged that respondent no. 2 had taken a friendly loan of ₹5,00,000/- and in order to discharge her liability, she issued the cheques which were dishonoured. On the basis of inquiry, FIR was registered and investigation ensued. Challan has already been presented before the competent court. A perusal of affidavit filed by Rajinder Singh Cheema, Assistant Commissioner of Police (Crime), Jalandhar shows that matter was inquired into by Commissioner of Police, Jalandhar. During investigation, it was revealed that respondent no. 2 had not taken loan of five lacs from petitioners. Only blank cheques were filled by

the accused and presented to the bank. These cheques were fraudulently taken from respondent no. 2 on inducement that they would arrange loan for her.

In view of nature of allegations, I am of the considered view that no case for quashing the FIR in inherent jurisdiction is made out. Judgments in Gian Singh's and Escorts Yamaha's case (supra) cannot help the case of the petitioners. Petition is without any merit and is hereby dismissed.

February 16, 2016

Ajay

(RAJAN GUPTA)
JUDGE