

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

CRM-M-17981 of 2016

Date of Decision: July 22, 2016

Kanta and another

Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gagneshwar Walia, Advocate
for the petitioners.

FATEH DEEP SINGH, J.

The petitioner No.1-Kanta and her husband petitioner No.2-Satpal both have preferred this petition under Section 482 Cr.P.C. and by invoking the inherent jurisdiction of this Court have sought quashment of FIR No.84 dated 21.05.2015 under Sections 406,420 120-B IPC registered at Police Station Division No.7, Jalandhar.

The brief facts that are essential to be considered are that the present FIR was got registered by complainant Gurkirpal Singh alleging that the accused were known to them and have pressurised him for sending his daughter Mini Singh to Australia and had assured that within two months they would enable her to reach that country and demanded ₹20 lacs. On 5.9.2014 accused are alleged to have received a sum of ₹8 lacs from the complainant along with passport of his daughter and after 25 days

demanded ₹4 lacs more and in all took ₹12 lacs and when they failed to do the needful led to the filing of the present case.

The plank of the contentions of the petitioners are that ASI Sodhi Lal had reported in his investigations that the parties were on visiting terms with each other and ₹12 lacs were given by the complainant for investing in property business through his daughter and more than ₹17 lacs with interest have been returned and few of the cheques had bounced and, therefore, claimed that false allegations have been levelled by the complainant and has sought dismissal of the same, whereby, reliance is sought to be placed on certificate issued by the Bank Manager Annexure P/2, ledger account Annexure P/3.

Upon hearing learned counsel for the petitioners and perusing the records of the case. The precise grounds which form the basis of this quashment are more of evidence factual in nature and which can only be comprehensively adjudicated when the parties will lead their respective evidence. The plea as to whether ₹12 lacs were invested in the real estate business in the year 2009 by the complainant or that the petitioners had issued two blank cheques as a security guarantee for this investment and return of this amount of ₹17 lacs after 2009 and the fact that the blank cheques of the petitioners have been misused by the complainant are matters of evidence. It is well settled law that in the exercise of powers under Section 482 the Courts are not supposed to appreciate the evidence reliance placed on **M. Viswanathan vs. M/s S.K. Tiles and Potteries P. Ltd and others 2008 (Sup) AIR (SC) 761** Moreover, none of the eventualities laid down by the Hon'ble Apex Court in **State of Haryana and others vs.**

Ch. Bhajan Lal and others AIR 1992 S.C. 604 are attracted in the case before this Court. The Courts need to be strict in showing indulgence in such matters where there is no apparent and legitimate reason of misuse of the process of the Court. Thus, finding no merit the instant petition stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

July 22, 2016
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