

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

CRM-M-20570-2016 (O&M)

Date of decision : 15.07.2016

Rajesh Kumar @ Kaku

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Swaitch, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present petition under Section 482 of the Code of Criminal Procedure, (for short, 'the Cr.P.C.') is for quashing of FIR No.103 dated 23.12.2015, under Sections 406, 420 and 120-B of the Indian Penal Code, registered at Police Station Rajpura, Distt. Patiala.

Learned counsel refers to Annexure P-2 to contend that the petitioner is not a partner in the firm, namely, M/s Kishan Chand Rajesh Kumar. In fact, it is his brother, Vinod Kumar, who is shown as partner No.2. He further states that the petitioner is residing separately and has nothing to do with the business of his brother, Vinod Kumar. The dispute is of civil nature.

Heard.

The petitioner is named in the FIR and there are specific

allegations against him of receipt of amount for and on behalf of the firm from the partners. Learned counsel for the petitioner fairly states that at times, the farmers have handed over the amount to him which he passed on to his brother. There are as many as 36 complainants and the amount allegedly misappropriated by the petitioners in connivance with other co-accused is huge.

After hearing learned counsel for the petitioner, this Court is of the opinion that prima facie case is made out against the petitioner in view of the specific allegations in the FIR.

In view of the above, no case for quashing the FIR is made out.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

15.07.2016
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(JITENDRA CHAUHAN)
JUDGE