

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

**CRM No.M-26120 of 2012 (O&M)
Date of Decision: July 21, 2016**

Jasjit Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Mehndiratta, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.A.K.Jaiswal, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C.
for quashing of order dated 19.03.2012 passed by learned Chief Judicial
Magistrate, Amrtisar, whereby charge under Section 379 IPC was ordered to
be framed against the petitioner and formal charge-sheet along with all
subsequent proceedings arising therefrom.

Notice of motion was issued and learned State counsel as well
as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned
State counsel and have gone through the record.

First of all, I find that it is settled law that at the time of framing

of charge, the Court is not to look into the version of the accused nor his documents or defence version is to be considered at the time of framing of charge. It is also settled law that from the report under Section 173 Cr.P.C. and documents and evidence relied upon by the prosecution, the Court is to see whether prima facie case is made out or not. The complainant in this case is alleging about the theft of the cheque and challan was presented after the investigation. Therefore, prima facie case is made out. At this stage, the Court is not to weigh the evidence for the purpose of conviction. Even the charge, can be framed on strong suspicion. Nothing has been pointed out as to how the framing of the charge on the basis of documents is illegal. The mere fact that on the basis of that cheque, a complaint has been filed by the present petitioner against the accused, will not itself show that version of the complainant in the FIR is false.

In view of the above discussion, I find that while framing the charge, no illegality has been committed by learned Chief Judicial Magistrate, Amritsar.

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

July 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE