

CRM-M-30450 of 2016 (O&M)

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

**CRM-M-30450 of 2016 (O&M).
Date of Decision: October 17, 2016.**

Sandeep Bhatia

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.R.K.Bhatia, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner in connivance with Ashok Bhatia had allegedly received the amount of air ticket from Delhi to New York from the complainant for travel of his daughter besides taking 2000 US dollars worth Rs.53770/-.

The allegation against the petitioner and his co-accused is that the complainant has been duped of a sum of Rs.1,87,770/-.

Counsel for the petitioner submits that the petitioner has already repaid the amount due to the complainant.

State counsel, on the instructions of ASI Rakesh

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Kumar, informs that the challan in the case has already been presented and the next date of hearing before the trial Court is 21.11.2016, for framing of charges.

The FIR appears to have been registered against the petitioner and Ashok Bhatia, who has not approached this Court. The petitioner is son of said Ashok Bhatia and was running a travel agency under the name and style M/s Bhatia Travels, Opposite Sihag Hospital, Hisar Road, Sirsa.

The petitioner had not earlier made the complainant a party to this petition. A misc. application has been filed to implead Dheeraj Pal Singh, as a party.

I have considered the facts and circumstances of the case. Partial quashing of FIR will not be appropriate in this case on the basis of the pleas which have been raised by the petitioner. In case the matter has actually been compromised, it will always be open to the complainant to appear before the trial Court and establish the innocence of the petitioner. In case of any doubt regarding the intention of the complainant, the trial Court can always pass an order of acquittal. Partial quashing of FIR especially when the complainant party who has actually received the money has not been impleaded, cannot be permitted.

Without expression of any opinion on merits, this petition is disposed of with a direction that the trial Court shall make earnest endeavour to consider on 21.11.2016, whether the material

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forming part of report under Section 173 (2) Cr.P.C., constitutes sufficient material to warrant framing of charges. In case the charges are framed, the trial Court shall decide the case within a period of three months. It will be open to the trial Court to dispose of the case prior to said period in case the complainant appears before the Court and admits that the matter has been settled with the petitioner.

(M.M.S. BEDI)
JUDGE

October 17, 2016.
rka

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No