

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

CRM No.M-33170 of 2016 (O&M)
Date of Decision:- September 21, 2016

Vinay Rai

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Deepak Saini and Mr.Shakeel Ahmed, Advocates
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against State of Haryana for quashing of the summoning order dated 15.06.2016 passed by learned JMIC, Gurgaon and charge-sheet dated 12.06.2016 filed under Sections 406 and 420 IPC in case FIR No.97/2014 dated 22.03.2014 under Sections 406 and 420 IPC registered at Police Station Udyog Vihar, District Gurgaon.

I have heard learned counsel for the petitioner and have gone through the record.

As regarding summoning order, from the record, I find that after the presentation of the challan, the Court below passed the order “Challan presented on that day, it be checked and registered. Notice/summon to accused Vinay Rai be issued for 29.08.2016.” After the

presentation of the challan, notice is to be given to the accused against

whom the challan is presented. No illegality has been committed by learned Judicial Magistrate while giving notice to the accused against whom the report under Section 173 Cr.P.C. was presented.

Learned counsel for the petitioner argued that filing of the report under Section 173 Cr.P.C. is nothing but an abuse of process of law.

The present petitioner earlier also filed the petition under Section 482 Cr.P.C. for quashing of the same FIR and that petition was dismissed by this Court on merits vide order dated 01.06.2016. It has already been discussed, at that time, on receipt Annexure R-1 in that case, which was placed on the record, that the name of the program was B.Sc. HMT and the complainant had paid ₹2,65,000/- as admission fee and other charges and the admission was given in B.Sc. (Hotel Mangement) but after spending three years, the victim was awarded the certificate of diploma course.

The present petitioner is stated to be Chairman of the Rai Foundation College. Learned counsel for the petitioner again argued that the petitioner has no concern with the Rai Foundation but after investigation, the police has presented the challan. The perusal of the FIR also shows that the Madam/teacher has told the complainant and his son Rahul to contact the owner/Chairman i.e. present petitioner, who sits in the College. This is a finding of fact, which is to be given by the Court. At this stage, there is nothing on the record to show that the present petitioner has been falsely implicated in the present case.

From the perusal of the record, in no way, it can be held that registration of the FIR against the present petitioner and presentation of challan after investigation, is abuse of process of law or amount to

miscarriage of justice. I do not find any ground to quash the FIR, summoning order or the final report under Section 173 Cr.P.C.

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

However, nothing stated above, shall constitute my opinion on the merits of the case.

September 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No