

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

(118)

CRM-M-39119-2016

Decided on: November 04, 2016.

Sapna Makkar

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. Pradeep Virk, Advocate, for the petitioner.

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

Petitioner seeks quashing of FIR No.1029 dated 15.09.2016, under Sections 420, 406 IPC registered at Police Station Sadar, Gurgaon which was registered at the instance of Amit Kumar Rajput of M/s Pinnacle Capital Solutions Private Limited alleging that the said company indulged in giving financial aids to the business organizations and to provide financial aid to M/s Silverstar Fashions Private Limited on the basis of an agreement dated 18.04.2015. There are allegations of cheating and misappropriation by M/s Silverstar Fashions Private Limited.

The petitioner claims that she had resigned on 21.04.2015 from M/s Silverstar Fashions Private Limited vide form No.DIR-11 submitted to the Registrar of the Company, intimating the resignation.

Since the investigation is at initial stage, it will not be appropriate for this Court to interfere in the investigation, expecting that the investigation will be conducted fairly to determine the culpability of the accused persons suspected in the FIR.

In view of said circumstances, I do not find any ground to exercise jurisdiction under Section 482 Cr.P.C.

At this stage, learned counsel for the petitioner submits that in the interest of justice, a direction may be given to the investigating officer to fairly investigate the matter by taking into consideration the relevant evidence and material. In this context, it will be pre-mature to issue any direction. However, it is observed that in case any voluntary statement is made by any person conversant with the facts of the case during course of investigation by approaching the investigating officer or any other senior police officer, the said material will be taken into consideration as per the provisions of Section 163 (2) Cr.P.C.

This petition is disposed of at this stage with liberty to the petitioner to produce the witnesses actually conversant with the facts of the case. In case, there is any violation of provisions of Section 163 (2) Cr.P.C, it will be open to the petitioner to approach the senior police authorities or avail any other legal remedy available to him.

(M.M.S. BEDI)
JUDGE

November 04, 2016

harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No