

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8352 of 2016

.....

Date of decision:15.3.2016

Marigash Shastri

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Deepak Gupta, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.169 dated 10.10.2014 (Annexure-P.1) registered for the offences under Sections 420 and 120-B IPC at Police Station Civil Lines, Bathinda, District Bathinda, report under Section 173 Cr.P.C. dated 30.10.2015 (Annexure-P.2) and all other consequential proceedings arising therefrom qua the petitioner.

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

It is stated that the report under Section 173 Cr.P.C.has already been presented before the Court but the charges have not been framed so far.

Learned counsel for the petitioner argued that no case is made

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out against the petitioner and the allegations levelled against him are false and he has been falsely implicated in this case.

I have read the allegations in the FIR. The allegations are against all the accused, namely, Vibor Batra, K.K. alias Karishan Vahin and petitioner-Marigash. All the allegations, as per FIR, are against the accused and it is stated that ₹44 Lakhs have been given for sending the complainant to USA. ₹35 Lakhs were given through RTGS on 28.08.2014 in account number of accused No.1. The allegations are against all the accused including the present petitioner. After investigation, challan has also been presented. At this stage, in no way, it can be held that the present petitioner has been falsely implicated. The defence of the accused is to be seen by the trial Court. At this stage, from the FIR, in no way, it can be held that no case is made out against the present petitioner. There is nothing on the record to show at this stage that he has been falsely implicated in the present case.

This Court is not to give finding of fact that the petitioner has been falsely implicated or not. This fact is to be determined by the trial Court from the evidence of the prosecution as well as the accused.

Therefore, at this stage, there is nothing on the record to say that the registration of FIR is abuse of the process of the law.

Therefore, finding no ground to quash the FIR, this petition is dismissed.

March 15, 2016.

(Inderjit Singh)
Judge

hsp