

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

CRM-M-15815-2017 (O&M)

Date of Decision: 05.05.2017

Ajaib Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Aayush Gupta, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.113, dated 11.07.2016, under Section 420 IPC read with Section 24 of the Immigration Act, 1983, registered at Police Station Division No.6, Industrial Area, District Ludhiana City.

Briefly, it may be noticed that the FIR came to be registered on the complaint of Lovepreet Singh son of Parminder Singh and who stated that he was working with a concern by the name of Financial Services DVS Tower, R.K. Road near Cheema Chowk, Ludhiana. In the building on the 3rd floor was the office of Abroad Overseas. Allegations are against Ramandeep Kaur @ Ekta, Arjun, present petitioner Ajaib Singh as also one Atul of having duped him of a sum of Rs.15 lakhs on the pretext of getting him a work permit to settle in Canada. Further allegations are that a false visa for Canada had been prepared. Neither the complainant has been sent abroad nor the money has been returned. Perusal of the FIR would reveal that part of the sum has been furnished through recorded entries i.e. by

cheque/RTGS mode in the account of the firm maintained at Indian Overseas bank.

Counsel appearing for the petitioner would vehemently contend that the present petitioner Ajaib Singh is sought to be implicated only on the basis that he is the father of one of the main accused i.e. Arjun. Further argued that during the course of inquiry, a compromise had also been entered into insofar as Arjun Singh is concerned as a certain piece of land had been transferred in the name of the mother of the complainant i.e. Gurmeet Kaur but subsequently, co-accused Ramandeep Kaur @ Ekta has changed her stand by submitting before the police authorities that she had no role to play as she was only an employee/receptionist in the firm in question i.e. Abroad Overseas. It is argued that on account of change of stand of co-accused Ramandeep Kaur @ Ekta, the present petitioner cannot be viewed as an accused in the case.

Counsel for the petitioner has been heard at length.

There are specific allegations against the accused including the present petitioner of working in Abroad Overseas and indulging in the activity of sending people abroad. Police proceedings in the matter would indicate that the present petitioner had taken an active role to facilitate a compromise in relation to half of the alleged amount i.e. Rs.7.5 lakhs that apparently had come to the share of Arjun i.e. son of the present petitioner.

The matter is still at the stage of investigation. It would be premature for this Court to comment on the merits of the case.

The parameters as regards exercise of power for quashing of FIR had been laid down by the Apex Court in **State of Haryana & others Vs. Bhajan Lal, AIR 1992 (SC) 604** and wherein it was held that an FIR

could be quashed where the allegations contained in the FIR or the complaint even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or where the allegations in the FIR do not disclose a cognizable offence. FIR can also be quashed where the allegations are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. Yet another ground to justify quashing of FIR would be where the criminal proceeding is manifestly attended with mala fide or where the proceeding is maliciously instituted with an ulterior motive.

The averments contained in the petition as also submissions advanced by the counsel do not make out a case for quashing of the impugned FIR in the light of the parameters noticed hereinabove.

Petition is, accordingly, dismissed.

It is, however, made clear that this Court while dismissing the present petition has not commented upon the merits of the case and it would be open for the petitioner to raise all pleas in his defence as may be available in accordance with law and at the appropriate stage.

05.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |