

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

CRM No.M-19115 of 2017 (O&M)

Date of Decision: May 25, 2017

Avinash Jain and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pardeep Singh Poonia, Advocate,
for the petitioners.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and M/s M.R. Corporation, Bathinda for quashing the FIR No.61 dated 04.04.2017 under Section 420 IPC registered at Police Station Civil Lines, Bathinda and all the subsequent proceedings arising therefrom.

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

From the record, I find that challan has not been presented so far and investigation is going on. The perusal of the FIR shows that complaint has been made by complainant regarding commission of fraud, cheating etc. As per the FIR, accused M/s Arise India Limited had given the complainant C&F of its electronic goods on 14.03.2015 and taken ₹30 lakhs

provide minimum stock worth ₹45 lakhs to them and such stock would be supplied in same quantity in other districts on daily basis, upon which they will give them 25% commission whether sale occurs or not. But the accused company had sent stock of ₹10-12 lakhs only just for the sake for formality and out of this stock, no instructions were issued to supply any item to any of the dealers. It is further stated that from the last one year, there has not been any dealing, therefore, the complainant demanded for refund of their security, which the accused have refused. It is also in the FIR that complainant have come to know that accused company is bogus and they have also taken crores of rupees in advance and they are not giving any interest/commission to anyone.

As already discussed, as the investigation is going on and investigating officer is investigating the facts as mentioned in the FIR and collecting evidence, therefore, it is a premature stage for quashing the FIR. In no way, it can be held that matter relates to business transaction only or is of civil nature nor it can be held that no offence is made out if these averments in the complaint are found correct. Therefore, at this stage being premature stage, no ground is made out for quashing the FIR.

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

May 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No