

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-23713 of 2016 (O&M)

Date of decision:5.12.2017

Rakesh Kumar

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Hitesh Verma, Advocate for the petitioner.

Mr. K.S. Aulakh, Deputy Advocate General, Punjab for the
respondent-State.

None for respondents No.2 and 3.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C.
praying for quashing of the impugned order dated 14.6.2016 (Annexure-P4)
passed by learned Judicial Magistrate Ist Class, Sangrur, vide which the
learned Magistrate has dismissed the application filed by the petitioner
under Section 156(3) Cr.P.C.

Notice of motion has been issued in this case.

Mr. K.S. Aulakh, learned Deputy Advocate General, Punjab has
put in appearance on behalf of the respondent-State and contested this
petition.

I have heard learned counsel for the petitioner and learned State

counsel and have gone through the record.

From the record, I find that a complaint was filed by Rakesh Kumar against Vijay Kumar and Rekha Rani, in which it has been stated by the complainant that he is a simple rustic citizen. The accused are literate and cunning enough to dupe with the innocent persons being working as agents of L.I.C. of India and many other companies. As per the complaint, ₹60,000/- were taken by the accused on the assurance that they will invest ₹60,000/- and the accused No.1 had also made writing to that effect to invest in his own hand that this amount will be invested through him within the agency being run by them, on receipt of Future Choice Co. The accused embezzled that amount and committed fraud upon the complainant as well as the fraud and embezzlement has also been committed by the Crown Company.

Keeping in view the averments made in the complaint, the case of the complainant is that accused Vijay Kumar and Rekha Rani are agents of LIC of India and also of the Crown Company etc. The Company has committed fraud with other people regarding which separate FIR has been registered. The present complainant has given ₹60,000/- for investment and the accused have given receipt regarding the same. These facts can be proved by the complainant by bringing preliminary evidence. No investigation is required in the present case. The complainant can easily depose in the Court below as a witness and can also prove the receipt etc.

Therefore, the impugned order dated 14.6.2016 passed by the learned Judicial Magistrate Ist Class, Sangrur, dismissing the application

filed under Section 156(3) Cr.P.C is as per law. The Court below has not dismissed the complaint, rather, has asked the complainant to bring the preliminary evidence. No illegality has been committed by the Court below while passing the impugned order.

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

December 5, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No