

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

**CRM No.M-32743 of 2017(O&M)
Date of Decision: September 15, 2017**

Pushpinder Kaur and another

...Petitioners

VERSUS

Tejinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Shashank Bhandari, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against Tejinder Kaur and other respondents for directing respondents No.3 and 4 to register an FIR against respondents No.1 and 2 and for setting aside the impugned order dated 17.12.2016 passed by learned Judicial Magistrate Ist Class, Chandigarh.

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

From the record, I find that a complaint has already been filed by the complainant-present petitioner under Section 156(3) Cr.P.C. for directing the SHO concerned to register a criminal case against private respondents under Sections 406, 414 IPC etc. for cheating etc. Learned JMIC, Chandigarh, after hearing on the application under Section 156(3) Cr.P.C. found that the allegations levelled by the complainant are matter of evidence and at this stage, no ground is made out to give direction for

registration of the FIR under Section 156(3) Cr.P.C. and the application was

ordered to be treated as complaint and the case was adjourned for recording preliminary evidence of the complainant.

I have gone through the copy of the complaint. The perusal of the complaint shows that accused No.1 Tejinder Kaur has taken amount from her father through cheque and got it transferred in account of M/s SAB Industries, in which accused No.1 was Director. As per the complainant, the amount was given as a loan by father of accused No.1 for making construction and not for depositing the same in the firm i.e. accused No.2. It is also in the complaint that they demanded money but the same was not returned. Complainant Pushpinder Kaur is the sister of accused No.1. The only grievance is that the money which was given through cheque was only for the construction of house of accused No.1 as a loan and not to be used for the firm.

From the averments of the complaint, I find that learned Magistrate has passed the order as per law. The averments in the complaint can be proved by the complainant by coming to the witness box by way of evidence. No investigation is required in the matter in dispute. The Court below has already taken the cognizance by asking the complainant to produce preliminary evidence.

In view of the above discussion, in no way, the impugned order dated 17.12.2016 can be held as illegal or perverse.

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

September 15, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No