

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

**CRM No.M-40273 of 2016 (O&M)
Date of Decision: December 18, 2017**

Mehak Sharma and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.C.L.Verma, Advocate
for the petitioners.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the FIR No.243 dated 14.11.2014 under Sections 420 and 120-B IPC, registered at Police Station Division No.5, Civil Lines, Ludhiana and all subsequent proceedings arising out of the same.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

From the record, I find that in this case, report under Section 173 Cr.P.C. has already been submitted, charges have already been framed

and even statements of two witnesses in-chief have been recorded, which means that the trial Court has already taken the cognizance and no revision against the framing of charge has been filed.

Further, I find that FIR in the present case has been registered on the application of complainant Rajesh Uppal against the present petitioners. As per the allegations, the complainant paid ₹27 lakhs to accused Amir Singh and Mehak Sharma, who assured him that they will get complainant along with his family settled permanently at Australia within six months and for getting prepared the passports of the family members of the complainant, they separately received ₹25,000/- along with photographs and ID proof etc. It is also stated in the FIR that they have cheated the complainant party for an amount of about ₹40 lakhs.

Learned counsel for the petitioners argued that complainant has filed criminal complaints under Section 138 of the Negotiable Instruments Act and the FIR in question cannot be filed now.

From the record, I find that the present FIR is under Sections 420 and 120-B IPC. The allegations against the petitioners are that they have cheated the complainant for ₹40 lakhs by falsely assuring to settle the complainant and his family in Australia within six months and thus induced the complainant to part with such a huge amount. In no way, it can be held that no offence is made out. Secondly, if some cheques of some amounts have been given to the complainant, which have been dishonoured, the complainants are maintainable under Sections 138 of the Negotiable Instruments Act. Otherwise also, when the trial Court has already taken the cognizance and even two witnesses have been examined in chief, therefore,

no ground is made out, at this stage, for quashing the FIR. In no way, it can

be held registration of the FIR is abuse of process of law or amounts to miscarriage of justice.

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

December 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No