

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

CRM No.M-41808 of 2016 (O&M)
Date of Decision: February 23, 2017

Chander Kanta Bharti

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Wadhawan, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.205 dated 20.09.2009 under Sections 420, 120-B IPC registered at Police Station B Division Amritsar City qua the petitioner along with all other consequential proceedings arising therefrom including the order framing the charge dated 04.06.2016 as well as charge-sheet dated 04.06.2016.

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

From the record, first of all, I find that in the present case, after investigation, challan has already been presented. Charges have already been framed and even the complainant has been examined-in-chief, which means that trial Court has already found prima facie case against the present petitioner and has already taken the cognizance and trial is going on.

Learned counsel for the petitioner argued that no case is made

out against the present petitioner.

I have gone through the FIR which has been registered on the basis of written application against Tej Bahadur Rai, wife of Tej Bahadur Rai, Manager C.K.Bharti, Anil Kumar, Manager, Shekhar Gidodia and Gurmit Singh. As per the allegations, Shekhar Gidodia is resident of Amritsar whereas Gurmit Singh is resident of Delhi and they both are agents. They both told the complainants that there is firm M/s West Life, which is having good business in the line of gents readymade garments. They both introduced the complainants with Tej Bahadur Rai and his wife, who were owners of M/s West Life. As per the FIR, papers were got prepared. It is also in the FIR that Tej Bahadur Rai and his wife with Anil Kumar, Manager were brought by said Gurmit Singh and Shekhar Gidodia with them and came to the house of Navdeep Singh. Documents were executed for preparing the Franchise agreement. ₹10 lakhs was paid to Tej Bahadur Rai, his wife and Anil Kumar. There is also allegation regarding payment to Shekhar Gidodia etc. It is further in the FIR that on 01.02.2009, complainants opened the showroom and started business through said firm. After that, said Tej Bahadur Rai told that he has expanded his business and had inducted Mrs.C.K.Bharti, serving as Manager, Bank of India as Partner in said firm and that now the company can open Family Store instead of Gents Wears and further told the complainant to deposit an amount of ₹5 lakhs as security deposit with the company, which shall be refundable. As per the FIR, later on the agent of said Tej Bahadur Rai and his wife called the complainants to Delhi, where they were introduced with C.K.Bharti, Bank of India. All the said four persons assured the complainant that West

months. Then on 05.03.2009, the wife of said Tej Bahadur Rai, C.K.Bharti, Anil Kumar and Shekhar Gidodia came to Amritsar and received a sum of ₹5 lakhs in cash from the complainants on account of security deposit at the house of Navdeep Singh in the presence of Kuldeep Singh and Kulwant Singh. It is also stated that complainants requested time and again said Tej Bahadur Rai, his wife, Manager, Mrs.C.K.Bharti, Anil Kumar, Gurmit Singh and Shekhar Gidodia to return sum of ₹15 lakhs and also to clear the accounts but they kept on putting off the matter on one pretext or the other.

Keeping in view the allegations in the FIR and the fact that charges have already been framed against the present petitioner and one witness has already been examined-in-chief and the trial Court has already taken the cognizance, I find that no ground is made to quash the FIR at this stage. In no way, it can be held that registration of the FIR is abuse of process of law or amounts to miscarriage of justice. The trial Court has already found prima facie case and the present petitioner is named in the FIR and attributions have been alleged against her also.

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

However, nothing stated above, shall constitute my opinion on the merits of the case and the above findings have been given for deciding the present petition only.

February 23, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No