

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.120

CRM-M-10437-2018

Date of decision : 13.03.2018

Charanjeet Kaur and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikasdeep Singh, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners pray for quashing of FIR No.123 dated 21.06.2013, registered at Police Station Sultanpur, District Kapurthala, under Sections 406, 420 and 34 IPC.

As per the allegations in the FIR, the petitioners and husband of petitioner No.1 promised the complainant to send him to United States of America, for which purpose, a sum of Rs.11 lacs was taken. Both the petitioners are named in the said FIR and specific role has been attributed to them. It is also stated that the petitioners had represented themselves to be working as immigration agents and that they had sent many people abroad in the past as well.

Learned counsel for the petitioners contends that in fact only Jasvir Singh (husband of petitioner No.1 and father of petitioner No.2) was involved in the incident and only he had accepted the money. To clear the liability, cheque had been issued by said Jasvir Singh in favour of the complainant which was dishonoured and subsequently, Jasvir Singh was convicted and sentenced. He is currently undergoing sentence. The petitioners have been falsely implicated in the FIR just to build pressure upon them, whereas the entire liability is of Jasvir Singh, which is apparent from the fact that he alone had issued the cheque, which was dishonoured.

Whether, the names of the petitioners have been included in the FIR on account of mala-fide intention, is matter to be decided at the time of trial and no opinion can be expressed in that regard at this stage. An FIR can only be quashed if from a bare perusal thereof, no offence is revealed to have been committed. The said condition is not satisfied in this case and therefore, no relief can be granted to the petitioners.

For the aforementioned reasons, the petition is dismissed.

(SUDHIR MITTAL)
JUDGE

13.03.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No