

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

CRM-M-38777-2016

Date of decision:-1.2.2018

Amarjit Kaur

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.L.S. Sidhu, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.M.L. Saggar, Sr.Advocate with
Ms.Veenu Garg, Advocate
for respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.160 dated 27.12.2015, under Sections 420/120-B IPC registered at Police Station Kot Ise Khan, District Moga and subsequent proceedings therein has been filed by petitioner – Amarjit Kaur, an accused in the said FIR contending that the dispute between the parties is purely of civil nature in the FIR; no role has been assigned to petitioner - Amarjit Kaur; that she had neither signed any document nor approached the complainant for loan; that Surinder Kumar, Document Writer,

Dharamkot, was approached by the petitioner and her father-in-law for enhancing the credit limit with Axis Bank, Shahkot; that Surinder Kumar got entire documents from petitioner including three blank signed cheques on the pretext that the same was mandatory requirement of bank for sanctioning of the loan; that subsequently on coming to know that it was not so as per banking rules and procedure, the petitioner demanded those cheques from Surinder Kumar; that Surinder Kumar stated that the cheques had been lost but subsequently he in league with Baljit Singh filled up a cheque and filed a complaint under Section 138 of the Negotiable Instruments Act against the father-in-law of the petitioner besides filing a civil suit and then in league with politicians lodged the FIR. As such, the FIR be quashed.

Notice of the petition was issued to respondents, who put in appearance through counsel.

In the written reply filed on behalf of respondent No.2, the allegations in the petition are refuted contending that an amount of Rs.20 lakhs was transferred by Baljit Singh in joint account of Joginder Singh and petitioner Amarjit Kaur, which had been withdrawn by them; that Amarjit Kaur and Joginder Singh had intention to cheat right from the very beginning. According to the complainant, no ground for quashing of FIR is made out.

I have gone through the FIR, which was registered on the basis of written complaint submitted by Surinder Kumar son of Nageen Chand, resident of Kot Ise Khan, Moga seeking taking of action against Joginder Singh, Sarabjit Singh and Amarjit Kaur (present petitioner), residents of village Rataul Bet. The operative part of the FIR is as under:

Sir, It is requested that above said persons were known already to me on 22.11.2013. Abovesaid Joginder Singh and his son Sarabjit Singh came to my home at Kot Ise Khan, District Moga and they told that we have to renew our limits. We need Rs.40 lacs and we will repay after depositing limit on next day. I understanding their problem and discussed with my friend Baljit Singh and on my saying who sent RTGS of Rs.20 lacs from Jalandhar Bank in favour of Joginder Singh and Amarjit Kaur limit account No.913030025276905 Branch Axis Bank, Shahkot. But on seeing this amount, they become deceitful and instead of returning the money to me. Next day withdrawn the amount. On my demand again and again they did not return my amount. I gave application on 19.12.2013 earlier also to you which was got enquired by DSP Local Moga where they arrived at Panchayat decision and admitted to returned the money (copy of decision is annexed). But they did not return the money as per decision. I again requested you that FIR be registered under Section 420 IPC against the above said persons for cheating.”

After hearing the counsel for the parties, I find that the petitioner is specifically named in the FIR and criminal acts attributed to her along with her co-accused. Furthermore, the FIR is not a substantive piece of evidence and its only purpose is to set the criminal machinery into motion. FIR is often lodged in hurry and it may not contain the

minute and precise details of the incident. The FIR can be got registered by a person, who may not be an eye-witness of the same. It is only during investigation of the case that police can come to know about the culprit and criminal, who had committed the crime.

In the instant case, after completion of investigation challan against the accused is said to have been filed, charge has been framed and trial is stated to be going on. There is nothing to show that the FIR is an abuse of process of law. It cannot be said that the FIR does not disclose commission of any offence by the petitioner. I do not find any ground to quash the FIR by allowing the petition.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

1.2.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No