

122

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

**CRM-M-45626-2018
Date of Decision :15.10.2018**

Nirmal Singh

.....Petitioner

Versus

State of Punjab and Another

.....Respondents

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Siddharth sharma, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (ORAL)

The present petition has been filed for quashing of FIR No.0124 dated 31.07.2016, under Sections 420, 406 IPC and Section 24 of the Immigration Act registered at Police Station Sultanpur Lodhi, District Kapurthala and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

The FIR was lodged at the instance of Baldev Singh, wherein it has been alleged that Gurwinder Singh Kalsi is running a travel agency and that Nirmal Singh Baba, who was known to the complainant, introduced him to Gurwinder Singh Kalsi and organised a meeting of the complainant and of his son Manpreet Singh with Gurwinder Singh Kalsi for the purpose of discussing the matter of sending complainant's son to Canada.

It is alleged that both Gurwinder Singh Kalsi and Nirmal Singh Baba assured him that they will send complainant's son to Canada for an amount of ₹33 lacs and that the complainant thereafter paid the amount by way of certain installments. The complainant has alleged that despite the

amount having been paid to accused, his son was not sent to Canada.

Learned counsel for the petitioner while assailing the FIR has submitted that he has falsely been implicated in the FIR and that there is no evidence to show that the present petitioner has ever received any amount. Learned counsel has further drawn the attention of this Court towards disclosure statement (Exhibit P-6) wherein co-accused Gurwinder Singh Kalsi had admitted that he had taken ₹33 lacs from Baldev Singh. Learned counsel has also drawn the attention of this Court to a compromise dated 17.05.2016 (Annexure P-4) stated to have been arrived at between complainant-Baldev Singh and co-accused Gurwinder Singh Kalsi wherein co-accused Gurwinder Singh Kalsi had admitted that due to some reasons the complainant's son could not be sent to Canada and agreed to refund an amount of ₹29 lacs, in installments to the complainant necessarily implying that it is only the co-accused who had received the amount in question and that the petitioner has no role to play.

Learned counsel for the petitioner has also referred to the inquiry conducted by the police and has submitted that the police initially filed challan against co-accused Gurwinder Singh Kalsi and it was subsequently that a supplementary challan was filed against the accused. The learned counsel in order to hammer forth his submissions cites judgment in case “*State of Haryana Vs. Bhajan Lal, 1992 Supp (1) SCC 335*”.

I have heard the learned counsel for the petitioner. A perusal of the FIR shows that specific and categoric allegations are levelled to the effect that while co-accused Gurwinder Sing Kalsi was running a travel agency but it was the petitioner who had acted as a mediator and had

arranged a meeting between the complainant and Gurwinder Singh Kalsi, wherein the petitioner as well as co-accused Gurwinder Singh Kalsi had assured the complainant that his son would be sent to Canada for an amount of ₹33 lacs. As far as the contentions of learned counsel for the petitioner regarding he being innocent on the basis of the compromise and the disclosure statement, I find that the authenticity of said documents is yet to be established and would be ascertained during trial. In any case it is unlikely that the co-accused will ever admit having taken the amount as reflected from the compromise in question. In view of the aforesaid position I do not find any case for invoking inherent jurisdiction for quashing of the FIR.

The petition is sans any merit and is dismissed.

(Gurvinder Singh Gill)
Judge

October 15, 2018

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No