

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

CRM-M-52158-2018 (O&M)

Date of Decision:-27.11.2018

Rekha Chauhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhupinder Ghai, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks quashing of FIR No.117 dated 22.10.2018 registered under Sections 384, 406 and 420 of Indian Penal Code, 1860 at Police Station Palla, District Faridabad, Haryana.

The FIR in question was lodged at the instance of one Rihana Begum, wherein it has been alleged that she had met the petitioner alongwith her husband and had paid an amount of ₹25000/- on 16.9.2018 for the purpose of purchasing a plot and thereafter on 21.10.2018 she paid another amount of ₹15,000/- to the petitioner and upon payment of the said amount, the petitioner is alleged to have handed over possession of a plot in question, but subsequently she came to know that the said plot infact does not belong to the petitioner.

The learned counsel for the petitioner has submitted that a false case has been registered against the petitioner and the falsity of the case would be evident from the fact that on 21.10.2018 the petitioner was away to Shimla as would be evident from the toll receipts (Annexure P-2) dated 20.10.2018 and 21.10.2018 in respect of vehicle bearing registration

No.7941. The learned counsel has submitted that the said vehicle is duly registered in the name of the petitioner as is evident from the registration certificate, which is also annexed with the petition. The learned counsel has further submitted that infact the presence of the petitioner in Shimla is also fortified from the photographs annexed with the petition.

In case the petitioner is able to effectively prove that she was not present in Faridabad, where the occurrence is stated to have taken place and was away to Shimla, she may be able to set up a valid plea of alibi.

Since the matter is still under investigation, therefore, it is directed that the investigating officer shall take into account the aforesaid documents and conduct verification in this regard before reaching at any final decision pertaining to filing of report under Section 173 Cr.P.C.

The petition stands disposed of with aforesaid directions.

27.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No