

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

CRM-M-6562 of 2018.

Decided on:-September 24, 2018.

Rajinder Kaur.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab
for respondents No.1 to 5.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of a direction to official respondents No.2 to 5 to take remedial action on the complaint dated 02.08.2017 (Annexure P-1) submitted by the petitioner.

Learned counsel for the petitioner has argued that a *prima facie* cognizable offence is made out against the private respondents No.6 to 8. It has been alleged by the petitioner in the aforesaid complaint that she has been defrauded and the respondents No.6 to 8 have allured her to pay a sum of Rs.9 lakh for the purpose of sending her son abroad i.e. Cyprus.

On the other hand, learned State counsel, on instructions from ASI Raghbir Singh, states that the matter is still under investigation.

I have heard learned counsel for the parties.

The reply filed on behalf of respondents No.1 to 5-State is accompanied with the copy of FIR No.200 dated 09.12.2017 under Sections 406 and 420 IPC registered at Police Station Dasuya.

The reply suggests that the matter has been inquired into by DSP, Sub-Division, Dasuya. The relevant part of his report dated 04.12.2017 is reproduced as under:

“From the statements, the statements recorded in earlier inquiry, from the documents and the open and secret inquiry, it is found that Sukhjinder Singh son of Rajpal resident of Chack Bamu i.e. village of petitioner Hardip Singh was doing the work of travel agent with Agent Rakesh Arora son of Jaspal Arora resident of AN.AH.382 Neela Mehal Jalandhar Head Office No.10, 3rd Floor, Parmar Plaza Central Town Phagwara, District Kapurthala and it came to light that they took 9 lacs each from petitioner Hardip Singh and Rajinder Kaur wife resident of village Chack Bamu on the pretext of sending Hardip Singh petitioner and Amandip Singh son of Rajinder Kaur to Cyprus in the year 2014 by fraud and it is verified from the photo copies of agreement of Rakesh Arora and from the photo copy of statement given in an inquiry before Inspector Jagjit Singh SHO PS Dasuya and from the statement got recorded by driver Qualish car namely Pritam Singh son of Dyal Singh caste Lubana r/o Chack Suleman PS Dasuya. But from the inquiry, Rajpal father Sukhjinder Singh and brother Nachhattar Singh were not found to have committed fraud by taking money from Hardip Singh petitioner and Rajinder Kaur. If Rajpal and his son Nachhattar Singh took money from them for sending abroad then they brought this matter before the respectable of the village and they should have moved application of the matter to the police of

PS Dasuya but they neither gave statement regarding disclosing the fact of cheating with them before the respectable nor they have stated that they have moved application against them to the police. Due the going of Sukhjinder Singh son of Rajpal to abroad and fleeing away of travel agent Rakesh Arora, the petitioner Hardip Singh and Rajinder Kaur submitted application after 3 year against Rajpal and his son Nachhattar Singh by levelling allegation of travel agent and allegation cheating. Rajpal is old person and he is doing shop of Karyana in the village and no finding regarding cheating committed by his son Nachhattar Singh. It was found that Amandip Singh son of Rajinder has gone America through some other agent. From the questioning and of Lucky Nahar son of Ramesh Kumar resident of Ali Mohalla PS Division No.2 Jalandhar in the inquiry and from the open and secret inquiry, it was found that Lucky Nahar was not found to have committed fraud with petitioner Hardip Singh and Rajinder Kaur wife of Ranjit Singh resident of village Chack Bamu for sending her son Amandip Singh abroad in connivance with travel agent Rakesh Arora and Sukhjinder Singh. During the inquiry, the fact of receiving of Rs. 9 lac each from petitioner Hardip Singh and from Rajinder Kaur for sending Hardip Singh and Amandip Singh son of Rajinder Kaur to Cyprus on work permit Visa by Sukhjinder Singh son of Rajpal Rajpal r/o village Chack Bamu and Rakesh Arora son of Jaspal Arora r/o Neela Mehal Jalandhar in the year 2014 was verified. Therefore, investigation is liable to be conducted after registration of case against them. If it is approved then SHO PS Dasuya be directed to register the case under Section 406, 420 IPC against Sukhjinder Singh son of Rajpal r/o village Chack Bamu and Rakesh Arora son of Jaspal Arora r/o Neela Mehal Jalandhar and to conduct investigation of the case after registration of the case.

Report is submitted for proper order.

*Sd/- in English
DSP Sub Division Dasuya
Dated 4/12/2017"*

In view of the above, it is clear that grievance of the petitioner has already been looked into and no further direction is required to be passed.

The present petition is, accordingly, disposed of.

However, the petitioner is at liberty to appear before the DSP, Sub Division, Dasuya to pursue her claim during the course of investigation.

September 24, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No