

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-27385-2018

Date of Decision: 01.04.2019

Kashmira Singh Randhawa

.... Petitioner

Versus

The State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. HS Bhullar, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

Mr. HS Brar, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 29 dated 06.02.2018 (Annexure P-1) registered under Sections 420, 499, 500, 505 and 295-A IPC at Police Station City, Moga and all subsequent proceedings arising therefrom, qua the petitioner.

Briefly, respondent No. 2-complainant is serving as Granthi/Manager of Gurudwara Goindwal Sahib and Gurudwara Guru Ke Mehal Attari Sahib, Chhewi Patshahi Daroli Bhai, District Moga. He filed a complaint against petitioner-Kashmira Singh Randhawa, under Section 156(3) Cr.P.C., under Sections 420, 499, 500, 505 and 295-A

IPC, on the allegations that his son-Gurlovleen Singh and two nephews, namely; Manjeet Singh and Manveer Sing, were studying in 10th and 10+2 classes, respectively, in Guru Amar Dass Canadian School at Fatehabad Road, Goindwal Sahib, run by the petitioner. At the time of admissions, the petitioner had assured that his school was recognized and he would provide all facilities such as good studies and hostel, to all the students, in lieu of ₹50,000-. The petitioner had also promised that he would prepare the students for ILETS, to enable them to go abroad. However, the petitioner failed to fulfill his aforesaid promises and the wards of respondent No. 2-complainant were not kept properly in the hostel. The complaint of respondent No. 2 was referred to the police, whereupon aforesaid FIR (Annexure P-1) came into existence.

Learned counsel *inter alia* contends that all the allegations against the petitioner are vague, un-substantiated and meritless. The petitioner, who was earlier 'Non-Resident Indian', shifted to India with sole aim and zeal to provide education to the children of his country to become at par to the children of foreign countries, so that they may compete in all spheres of life with the foreign students. Respondent No. 2 to wreck vengeance and with *mala fide* intention, got registered the impugned FIR against the petitioner just to blackmail him and for refund of fees paid by him for the study of his son and nephews, though they passed with good marks. Initially, respondent No. 2 moved a complaint before the police, but the same was filed, on finding it false. Thereafter, respondent No. 2 adopted the recourse of Section 156(3) Cr.P.C. and got

registered the impugned false FIR. The respondent also got registered FIR No. 0035 dated 28.02.2018 at Police Station Goindwal Sahib, against the petitioner, on similar set of allegations through his son, just to blackmail and exploit him.

On the other hand, learned counsel for respondent No. 2, vehemently refuting the submissions of learned counsel for the petitioner contends that the impugned FIR has rightly been lodged by the police against the petitioner, inasmuch as, petitioner with *mala fide* intention circulating a C.D. levelling allegations of illicit relations of wife of respondent No. 2, with Sant Gurnam Singh, which lowered down his prestige and honour in the society.

Having given thoughtful consideration to the rival submissions, this Court finds the instant petition merits acceptance for the reasons to follow:

There is no allegation in the FIR and final report under Section 173(2) Cr.P.C., that the offences in question had taken place in Moga. Even the police while filing final report under Section 173(2) Cr.P.C., did not find commission of any offence by the petitioner in its jurisdiction at Moga. Even the contents of alleged video which defamed and lowered down the prestige and honour of respondent, does not contain any commission of crime by the petitioner at Moga. Therefore, it can safely be held that the impugned FIR No. 29 dated 06.02.2018 (Annexure P-1) was got registered by respondent No. 2 at Police Station City, Moga, with some *mala fide* intention, in order to blackmail the

petitioner.

In view of the above, the instant petition is allowed and impugned FIR No. 29 dated 06.02.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner are quashed.

April 01, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No