

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21573 of 2020

Date of decision:04.12.2020

Ravinder Kumar @ Rinku and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arav Gupta, Advocate
for the petitioners.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana
for the State-respondent No.1.

Mr. Shailender Singh Gill, Advocate
for respondent No.2.

SUVIR SEHGAL J.

The hearing of this petition has been taken up through video conferencing on account of outbreak of coronavirus (Covid-19) pandemic.

Present petition has been filed under section 482 of the Code of Criminal Procedure seeking quashing of FIR No.151 dated 13.07.2020 (Annexure P-1) registered under Sections 342, 406, 420, 506 and 34 of the Indian Penal Code, 1860 at Police Station City Sadar, Tohana, District Fatehabad.

The facts, in brief, are that FIR in question was registered on the complaint of respondent No.2 against (1) Ravinder Kumar *alias* Rinku (2) Suman, wife of Ravinder Kumar *alias* Rinku and (3) Jasvinder *alias* Jonni. The applicant stated that he is 12th pass and Jonni Saini, accused No.(3) was his friend and through him, he met accused No.(1) on 31.12.2016 when the complainant was told that accused No.(1) sends people abroad and he works with accused No.(2) and (3). The complainant

expressed his desire to go to Canada and accused No.1 told him that a visa for Canada can be arranged for Rs.41.00 lakhs. Initially, a sum of Rs.50,000/- was paid by the complainant to accused No.1 on 03.03.2017. Over the period of time, more than Rs.40 lakh was paid to the accused. But instead of sending him to Canada, the complainant-respondent No.2 was taken to the Vietnam and then to Cambodia. The accused gave him a bogus visa and ticket. The complainant somehow managed to reach back to Delhi and subsequently to his native village. When the complainant and his family members started demanding the money back, the accused not only refused to return the money but also threatened them. It was in this background that the complaint was lodged with the police authorities.

Counsel for the petitioner has sought quashing of the FIR (Annexure P-1) on the ground that the FIR is a counter blast to the civil suit (Annexure P-3) filed by the petitioner against respondent No.2 and another person for rendition of accounts. He further submits that a perusal of the FIR shows that the offences as alleged in the FIR are not made out.

The petition has been resisted by the counsel representing the respondents. They have filed a reply and submitted that the petitioners were indulging in human trafficking in collusion with each other and in the process, they had duped the petitioner of astronomical amount of money. It has been argued by them that the complaint submitted by respondent No.2 was prior in point of time. Still further, it has been pointed out that the offences against the petitioner are clearly made out and the petitioners despite repeated notices, failed to join the investigation, which is pending.

I have considered the submissions of the parties and perused the paper book with their able assistance.

The arguments raised by the counsel for the petitioner do not cut any ice. A perusal of the FIR (Annexure P-1) shows that the complaint had been submitted by respondent No.2 on 28.05.2020, whereupon, enquiry was conducted and the petitioners were issued notices thrice by the investigating officer but they failed to join the investigation and eventually, the impugned FIR was registered on 13.07.2020. In the meantime, petitioner No.1 filed a civil suit for rendition of accounts against the complainant on 10.07.2020 upon which the trial Court issued notice (Annexure P-4). In the light of the facts brought out by the respondents in their reply, it is apparent that the civil suit had been filed only with the intention to somehow wriggle out of the allegations levelled against the petitioners.

It is pertinent to note that a perusal of the impugned FIR (Annexure P-1) shows that there are specific and categoric allegations against the petitioners regarding their involvement in human trafficking. The petitioners not only assured the complainant- respondent No.2 of sending him abroad but had also given him bogus visa and tickets and in the process had taken more than Rs.40.00 lakhs from him. There is a video recording in the possession of the investigating agency wherein petitioner No.1 is seen counting the bundles of currency notes given by the family members of the complainant who are also visible.

During the course of arguments, counsel for the petitioner restricted the prayer of quashing of the FIR qua petitioners No.2 and 3. His prayer has been considered. An examination of the allegations in the impugned FIR show that a sum of Rs.3.00 lakhs was entrusted to petitioner No.2 and 3, who gave a bogus visa to the complainant-respondent No. 2. In the light of these facts, even this prayer of the counsel deserves to be

rejected.

The investigation is at its initial stage and the challan has not been presented. The petitioners are not cooperating with the investigating agency. They are, therefore, not entitled to any relief. There is no ground for quashing of the FIR. Resultantly, the petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

December 04, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes