

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41292-2020

Date of Decision: 09.12.2020

Kewal Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. K.K.Saini, Advocate, for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of a direction to respondent No.2 to register an FIR against respondent Nos.4 to 6 for playing fraud/cheating with the petitioner and for embezzling an amount of Rs.6.40 lakhs from the petitioner on the pretext of preparation of legal documents in foreign country for the son of the petitioner.

The learned counsel for the petitioner has submitted that he had sent his son, namely, Ranjit Singh to America where he stayed for about 1 year but his son was not possessing sufficient documents to stay in America due to which he was arrested by the American Police. In this regard, he had talked to one Kuldeep Singh-respondent No.4 and Amrit Singh-respondent No.5, who assured him that they will get prepared all the documents for his son for getting confirmation to stay in America and they demanded Rs.6.40 lakhs for lawyer fee and other expenses. Due to this, the petitioner pledged all the gold ornaments and after selling his land, he gave Rs.6.40 lakhs to the

aforesaid persons. However, the aforesaid persons did not engage any advocate for the case of his son and his son was deported back to India on 28.10.2019 by the American Immigration Authority. The petitioner gave a representation to the Senior Superintendent of Police, Khanna, annexed as P-1 for taking legal action against the aforesaid persons for playing fraud and embezzlement of huge amount and for registration of an FIR.

I have heard learned counsel for the petitioner.

The prayer of the petitioner is with regard to registration of FIR against respondent Nos.4 to 6. The allegations which the petitioner has made in the representation and in the present petition are that respondent Nos.4 and 5 took Rs.6.40 lakhs for engaging a lawyer and other expenses so as to protect his son in America but they failed to do so and therefore, he has prayed for the registration of an FIR. On a bare perusal of the representation (Annexure P-1) would show that the same is totally vague. Neither any date or time is mentioned nor any sufficient material is there to show by what method the aforesaid amount was paid to the aforesaid respondents. Apart from this, the learned counsel for the petitioner has not been able to substantiate as to how, in the given facts and circumstances, this dispute would not be a civil dispute.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed. However, the petitioner is at liberty to pursue any alternate remedy, in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

09.12.2020
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No