

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

**CRM-M-5323 of 2020(O&M)
Date of Decision: 28.10.2022**

Manmohan Singh & Anr.

...Petitioners

Versus

State of Punjab & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. H.S. Deol, Advocate
For the petitioners.**

Mr. C.L. Pawar, Addl. AG Punjab.

**Mr. Sameer Singh, Advocate
For respondent No.2.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners seeking quashing of FIR No. 245 dated 23.10.2019, registered under Sections 406, 420 and 120-B IPC at Police Station Civil Lines, Bathinda (Annexure P-2).

The FIR in this case was registered on the basis of statement of Sister Veena D'Souza of Saint Joseph's Convent Secondary School, Bathinda, wherein it was alleged that the school had planned an educational tour for its students to National Aeronautics and Space Administration (NASA), USA through a Delhi based tour agent Mr. Manmohan-Starico Private Limited in the month of June, 2019 and 85 parents gave the consent on behalf of their wards. The process for the same started in the month of December, 2018. As per the first circular the parents paid the first two installments of Rs.75,000/- each per student and one student paid Rs.2.5

lakhs to the aforesaid tour agent in the form of cheque/ cash in December, 2018, January, 2019 and February, 2019. Each student was to pay an amount of Rs.1 lakh after the grant of VISA. The parents were also asked to sign one agreement in the month of April, 2019. However, thereafter tour agent kept on delaying the matter and failed to get VISAs in time and accordingly date of educational tour was shifted to September, 2019. Despite this the tour agent failed to get the VISAs of students in time. Some of the VISAs were refused by the USA Embassy and tour agent returned only an amount of Rs.25,000/- each to the parents of said students. The aforesaid educational tour did not materialize and tour agent Manmohan Singh failed to return the aforesaid amount which was collected by him from the parents of different students and thereby cheated them of Rs.86 lakhs.

The present petition is filed by aforesaid Manmohan Singh and his wife Ramneet Kaur and the same is contested by the respondents.

I have heard the counsel for the parties.

The petition filed by both the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail to them was dismissed by the Coordinate Bench of this Court vide order dated 08.10.2020 passed in CRM-M 9584 of 2020. Even thereafter the petitioners failed to surrender before the police. The State counsel has apprised this Court that both the petitioners are absconding and the police is thinking of initiating proclamation proceedings against them.

The serious allegations are there on record against both the petitioners that they allured the parents of children of tender age and committed fraud and failed to return amount worth Rs.86 lakhs to them.

In the light of the above, as both the petitioners are absconding, at this stage no ground is made out to interfere in the matter by invoking inherent powers of this Court under Section 482 Cr.P.C. Consequently, the present petition is held to be premature and the same is dismissed, at this stage.

28.10.2022

Jiten

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No