

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16753-2022 (O&M)

Date of Decision:- 26.4.2022

Ritika ... Petitioner
Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. N.S.Shekhawat Senior Advocate with
Ms. Shruti Sharma, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner has approached this Court seeking quashing of FIR No.126, dated 13.9.2021, Police Station Phase-8 SAS Nagar, Mohali, under Sections 420, 465, 468, 471, 120-B IPC (Section 467 IPC and Section 66-D of Information Technology Act, 2000 added later on) wherein the allegations are broadly to the effect that the accused had been defrauding innocent persons while holding out representation that they would be got recruited in Punjab Police.

Learned counsel for the petitioner submits that a vague FIR has been lodged without disclosing any particulars as to which recruitment process was underway in respect of which the accused allegedly had made some mis-representation or had taken any amount.

Learned counsel has further submitted that although the police claims that some incriminating articles had been recovered at the instance of the petitioner which included a communication device, 17 Admit Cards/alleged roll numbers, one Bluetooth bug, but nothing is forthcoming from the said articles to show that the same were used for duping any innocent person.

Learned counsel has further submitted that the petitioner as well as her husband have both been nominated as accused falsely on account of some ulterior motives with the police. Learned counsel has further submitted that the falsity of case of the prosecution would be evident from the fact that persons alleged to have been defrauded or the so-called victims have not come forward and infact have not even been identified by the police and that in these circumstances the entire case of the prosecution falls to ground. It has however, been informed that the matter is presently fixed before the trial Court at the stage of considering the framing of charges.

In view of the aforestated position regarding the stage of case before the trial Court i.e. the consideration of framing of charges; and without commenting anything as regards the merits of the case, the petition is disposed of with liberty to the petitioner to raise all the issues as have been raised herein including the contentions noticed above before the trial Court at the stage of consideration of framing of charges. The trial Court shall consider all such contentions as may be made and pass a speaking order considering the same.

26.4.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No