

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

(219)

**CRM-M-22613-2016
Date of Decision: 24.02.2023**

Sarwan Ram Bhati and anr.

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. R. K. Chauhan, Advocate, for the respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.39 dated 13.04.2016 (Annexure P-1) under Sections 106, 420, 130B and 34 IPC registered at Police Station Model Town, District Hoshiarpur and all subsequent proceedings arising therefrom.

As per allegations levelled against the petitioners, they played a fraud upon the complainant and her son namely Mark Jhumen having induced them to enter into marriage with their daughter Chetna Bhati with an assurance that post marriage, she will take the son of the complainant to Canada. It has also been stated that the entire expenditure for the studies of daughter of the petitioners was made by the complainant and her son, however, after having got her permanent residence in Canada, the daughter of the petitioners neither returned back nor even made any effort to take son of the petitioner to Canada and thus, complainant and her son have been duped

In the present petition, challenging the registration of aforementioned FIR, learned counsel for the petitioners submits that the marriage between the daughter of the petitioners and son of the complainant was a voluntary act without there being any assurance rendered by the petitioners or their daughter so as to take the son of the complainant to Canada. He further submits that post marriage, twice application was made for grant of Visa in favour of Mark Jhumen from the Canadian Embassy Authority, however, on both the occasions, it was declined and thus, the petitioners never played any fraud upon the complainant or her son.

On the other hand, learned counsel representing the respondent No.2 submits that the marriage of the daughter of petitioners and her son was solemnized with the assurance that all the expenses for her studies and travelling shall be borne by the family of the complainant with an assurance that their son shall be taken to Canada. Learned counsel further submits that in this regard huge amounts were transferred from the account of complainant to the bank account of daughter of the petitioners and he also refers to one such transfer amounting to Rs.20 Lakhs made in the year 2012 just before she visited Canada so as to strengthen the allegations levelled by the complainant.

I have heard learned counsel for the parties and gone through the paper book.

Considering the facts and circumstances of the present case wherein, there are clear bank transactions regarding transfer of amount from the account of complainant to the account of daughter of the petitioners, this Court is unable to adjudicate upon and examine the correctness of allegations and the factual controversies involved in the matter in exercise of its jurisdiction under Section 482 Cr.P.C. as the same needs to be dealt with by the trial Court upon proper appreciation of evidence laid by the respective

parties in support of their cases.

More than that, followed by the filing of *challan*, charges already stood framed against the petitioners and the matter is now listed for recording of evidence of prosecution witnesses for today. Considering the above, present petition is accordingly dismissed.

(HARKESH MANUJA)
JUDGE

24.02.2022
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No