

CRM-M-12126-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116)

CRM-M-12126-2019
Date of Decision:- 02.11.2023

Brijesh Chander Vij

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naveen Sheokand, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has sought directions to official respondents to enquire into the matter and take appropriate action against respondent No.3 for cheating and playing fraud with him.
2. Counsel for the petitioner submits that respondent No.3, who is a Financial Advisor with a private bank, induced the petitioner to make investments in some schemes, but the return on the investments was in the negative. He claims that respondent No.3, who collected commission from the banks misused the authority given to him and defrauded the petitioner by investing in loss-making schemes. Counsel submits that the petitioner submitted complaint as well as a representation, Annexures P-1 and P-2, respectively, but no action was taken.

3. In response to notice issued by this Court, State has filed reply, relevant extract of which is as under:-

“That complaint No.60-CP dated 06-02-2019, 107-Misc dated 22-02-2019 and 113-CP dated 25-02-2019 submitted by the petitioner were received in the office of the Deputy Commissioner of Police, Panchkula. There are allegations of cheating and misuse of authority given to respondent No.3 namely Rarminder Partap Singh by complainant. All the complaints were enquired by the Police Station MDC, Panchkula and also by the Assistant Commissioner of Police, Panchkula. During the enquiry relevant record from the concerned authorities were obtained and statement of respondent No.3 was also recorded. During the enquiry it is found that petitioner fully knows that investment was made by the complainant in his name with unit statement reflecting values in his name. Investment was made by complainant after putting sign on all forms for investment along with signed cheques by petitioner in favour of the investment project. Respondent No.3 has not personally received payment in the form of commission directly or indirectly. Petitioner has invested as per his experience and signed the agreement with ASK Investment Managers Private Limited and he was aware about the product and invested in as a SEBI registered product. During the enquiry (sic it)is found that petitioner was aware about the products and all documents were signed by him. From the enquiry matter of (sic is) found of civil nature and all complainant (sic complaints) submitted by the petitioner were consigned to the record room on 15-07-2019. On the recommendation of the SHO/Inspector Vijay Kumar, Police Station, MDC Panchkula which were duly verified and approved by Smt. Noopur Bishnoi, Assistant Commissioner of Police Panchkula on 15-07-2019 and in this regard report about complaint dated 107-CP and 107 Misc was submitted in the office of the Deputy Commissioner of Police Panchkula vide letter No 20-08-2019. Report dated 15-07-2019 and 20-08-2019 are annexed herewith as annexure R-1 and R-2.”

4. In view of the above, there is no merit in the petition, which is hereby dismissed.

02.11.2023

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No