

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

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2024:PHHC:013087

CRM-M-4627-2024

Date of decision: January 31st, 2024

Jasvir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurabh Kaushik, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The instant petition is for quashing of FIR No.50 dated 25.02.2020 under Sections 406, 420, 120-B, 506 of the Indian Penal Code, 1860, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, along with all consequential proceedings and order dated 23.11.2023 passed by learned JMIC, Amloh, whereby above-mentioned charges have been framed against the petitioner.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is completely innocent and has been falsely implicated in the case at hand, which is evident from a perusal of the allegations levelled in the FIR annexed as Annexure P-1. It has been further submitted that a purported civil dispute relating to business transactions has been given a criminal complexion. Furthermore, learned counsel has submitted that there are glaring inconsistencies in the version portrayed by the complainant qua the role attributed to the petitioner, who was allegedly a broker in the entire transaction as well as the amount involved. It has been further asserted that earlier also some complaints were given and thorough inquiries carried out by the police; all the inquiries were consigned to the record room as no substance was

found therein. In support, he has drawn the attention of this Court to Annexures P-2 to P-11.

3. Learned counsel has further submitted that the petitioner had also filed a suit dated 06.07.2015 (Annexure P-12), wherein he had sought permanent injunction to restrain respondent No.2 from extorting/recovering any amount forcibly/illegally or under the pressure of police and for restraining them from obtaining his signatures. It has also been submitted that the petitioner had filed a petition for protection of his life and liberty before this Court, which had been disposed of vide Annexures P-13 and P-14. While drawing the attention of this Court to the challan, which has been annexed as Annexure P-15, he has further asserted that the material collected by the investigating agency fails to attract the mischief of the offences alleged and hence, it is further evident that the FIR is a result of pressure being exerted from high-ups and furthermore, a civil dispute being given a criminal complexion.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. No doubt, wide powers have been conferred on this Court under Section 482 of the Cr.P.C., however, the same must be exercised with a great deal of restraint and circumspection. As per allegations, the petitioner, who had started working as a broker, diverted the money from complainant's bank account to the bank account of one Sanjay Kumar. In this manner, aforesaid Sanjay Kumar received ₹56,42,520/- from the complainant but did not deliver the goods.

6. At this stage, only a *prima facie* case has to be seen and the Court cannot go into the truthfulness or otherwise of the allegations

levelled. The arguments raised by the petitioner qua the inconsistencies in the amount mentioned by the complainant, is his defence which can be proved during trial when both parties lead their respective evidence.

7. The purpose of framing a charge is to provide the accused with a clear and precise notice of the allegations which he would have to face during trial. The rigorous standard of proof cannot be applied at the stage of framing of charges. While framing charges, the Court’s role is only restricted to determining that whether a *prima facie* case against the accused is made out or not based on the ingredients of the offences alleged.

8. In the circumstances, the instant petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 31st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No