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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1069/2024

SARABJIT KAUR & ANR.

..... Petitioners

Through: Mr. Sanjeev Sahay, Mr.
Kamlesh Uniyal, Mr.
Archit Rajput, Ms. Shagun
Saproo & Mr. Karandeep
Singh, Advs.

versus

CBI

..... Respondent

Through: Mr Ravi Sharma, SPP-
CBI with Mr. Anjani
Kumar Rai & Mr. Praphull
Kumar, Advs. with HIO,
Inspector Jaiveer Bansal,
PS- CBI, SC-I

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.02.2024

CRL.M.A. 4253/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

**CRL.M.C. 1069/2024, CRL.M.A. 4254/2024 (for condonation
of delay) & CRL.M.A. 4252/2024 (for stay)**

3. The present petition is filed under Section 482 Cr.P.C. of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of the FIR No. RC SI I2010 S 0005/ 2010, dated 20.04.2010, for offences under Sections 120B, 420, 462, 471 of the Indian Penal Code, 1860, registered at CBI/SC-I/New Delhi. The chargesheet was filed way back in the year 2011.
4. The learned counsel for the petitioner submits that the petitioners have been implicated in the present case even though no specific role has been assigned to them in commission of the



alleged offences.

5. He submits that Petitioner No. 1 has been made an accused in the present case solely for the reason that she holds 95% share in the partnership firm, being M/s Chhatwal Institute of Information Technology (hereafter '**M/s Chhatwal**'). He submits that Petitioner No. 1 cannot be made vicariously liable for the conduct of the partnership firm.

6. He further submits that Petitioner No. 2 has only been implicated because he is the husband of Petitioner No. 1, even though, he was not involved in the day-to-day affairs of the concerned partnership firm.

7. The present case relates to M/s Chhatwal sending eight of its delegates/scholars to Syria, purportedly for participation in Academia Syria-Damascus, an International Forum for higher education, training and recruitment. It is alleged that when the said individuals reached Syria, the immigration authorities detained them on suspicion. It was found that the profile of the scholars did not match with those of the participants in the International Forum.

8. It was also found that except one, none of the detained individuals had studied beyond Standard 10th. They were, in fact, farmers and were ignorant about their participation in the International Forum for the purpose of which they had allegedly travelled to Syria. These individuals were, thereafter, deported back to India which, subsequently, led to the initiation of the proceedings by the respondent.

9. Pursuant to the investigation, it was found that M/s Chhatwal, was run by its partners, being Petitioner No.1 with 95% stake in the said partnership firm and her brother Gurpreet Singh who has 5% stake in the same.



10. The investigation also revealed that the business of M/s Chhatwal was shifted from the village Chhatbir to Mohali. One of the co-accused persons, that is, Rajiv Kumar (Petitioner No.2's brother), started a tuition centre at the vacated premises used by M/s Chhatwal in village Chhatbir. Subsequently, another co-accused person, Sukhdev Singh (Petitioner No.2's distant relative), and Petitioner No.2 also started a property dealer business from the same premises in the month of February, 2009.

11. It is also alleged that Petitioner No.2 sent the particulars of ten Indians, including the victims, to the organiser of the International Forum, in response to which, the organiser extended the invitation in the names of the said 10 individuals to attend the International Forum.

12. It is also alleged that Petitioner No.2 issued an Authority Letter dated 06.08.2009, on the letter head of M/s Chhatwal, addressed to the Consular, Embassy of Syria, Vasant Vihar, New Delhi, authorising a confidant of co-accused Sukhdev Singh to submit the passports and other documents of the delegates of M/s Chhatwal.

13. It is alleged that the co-accused persons, under the guise of providing basic computer education at M/s Chhatwal, conspired to fraudulently send innocent Indians abroad, for employment purposes, against monetary considerations. The passport of the persons sent abroad were collected by the accused persons. It was promised that they would be sent abroad through legal channel for employment, and money was collected from them. The statements of the victims have been recorded.

14. Specific allegations have been made that the victims were sent to Syria by M/s Chhatwal. The victims were deported by the Syrian authorities when it was found that their particulars did



not match the particulars of the participants of the International Forum.

15. The material collected thus far, including the statements of the victims and the Authority letter dated 06.08.2009, at this stage, points out that serious allegations have been made against M/s Chhatwal that they were responsible for arranging the visas for the travel of the victims to Syria. The same at this stage cannot be called to be baseless.

16. It is an admitted fact that Petitioner No. 1 holds 95% shareholding in M/s Chhatwal. It is also evident from the perusal of chargesheet that Petitioner No.2 secured the invitations to the International Forum and issued the Authority letter dated 06.08.2009. Same clearly shows that he was involved in the functioning of M/s Chhatwal. The allegations made, at this stage, do not show that the petitioners are being falsely implicated.

17. The chargesheet was filed after the investigation was conducted by the respondent and after collecting the material which points towards the involvement of the partnership firm being run by the petitioners.

18. The chargesheet was filed way back in the year 2011. The same, in the opinion of this Court, cannot be said to be without any substance. Specific allegations have been made against M/s Chhatwal that it was instrumental in facilitating the travel of the victims to Syria on the false pretext of joining the International Forum.

19. It is informed that the matter is now listed for arguments on charge. The petitioners have the remedy and the right to agitate all other points before the learned Trial Court. The same, however, cannot be considered at this stage, especially when the chargesheet was filed way back in the year 2011.



20. No interference is required by this Court at this stage.
21. The petition is dismissed.

AMIT MAHAJAN, J

FEBRUARY 9, 2024/“SS”