

CRM-M-62827-2023 (O & M) 2025:PHHC:121437

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-62827-2023 (O & M)

Reserved on: 03.09.2025

Date of Pronouncement:08.09.2025

Jashandeep Singh

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

Mr. Mohd. Yusuf, Advocate with
Ms. Arzoo Modi, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing FIR No.20 dated 18.02.2023 (Annexure P-1) under Sections 406, 420, 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 (deleted later on) registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar, alongwith all subsequent proceedings arising therefrom including the final report/challan under Section 173 Cr.P.C. dated 28.08.2023 (Annexure P-2) submitted by the police under Section 406, 420, 120-B IPC.

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2. The allegations in brief as levelled in the FIR are that the accused persons took a sum of Rs.15 lacs from the family of the complainant to send their son Harpreet Singh to Canada. Neither was Harpreet Singh sent abroad nor was the money returned. The money was utilised to send Jasmeet Kaur, the sister of the petitioner and daughter of the co-accused to Canada. On the complainant demanding Rs.15 lacs back, he was threatened by the accused persons. A police complaint was filed and a compromise was effected. It was decided that Harpreet Singh would solemnize marriage with Jasmeet Kaur and would settle down in Canada. For the said purpose, a further amount of Rs.15 lacs was paid by the complainant in cash. The marriage took place on 10.01.2023. Harpreet Singh accompanied Jasmeet Kaur and the present petitioner to drop her to the Air Port at New Delhi. The travelling expenses etc. were borne by the complainant. However, Jasmeet Kaur did not cohabit with Harpreet Singh. The accused demanded a further amount of Rs.20 lacs on the pretext of completion of documentation to settle Harpreet in Canada. Ultimately, it transpired that the accused persons did not apply for a Canadian Visa for Harpreet Singh and refused to return Rs.15 lacs and further threatened the complainant party. The translated version of the FIR No.20 dated 18.02.2023 (Annexure P-1) under Sections 406, 420, 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 (deleted later on) registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar is attached as Annexure P-1 to the petition. Pursuant to the completion of the investigation, the



report under Section 173 Cr.P.C. came to be presented under Sections 406, 420 and 120-B IPC and the copy of the same is attached as Annexure P-2 to the petition.

3. The instant petition has been filed seeking quashing of the FIR (Annexure P-1), the report under Section 173 Cr.P.C. (Annexure P-2) and all subsequent proceedings arising therefrom.

4. The learned counsel for the petitioner contends that one Rajinder Singh is the son-in-law of complainant-Harjinder Singh. Rajinder Singh happens to be the real brother of Rajwinder Kaur, the mother of the present petitioner as also of Jasmeet Kaur. She alongwith her husband-Inderjit Singh, Jasmeet Kaur and Jashandeep Singh (petitioner) are accused in the present case. Rajwinder Kaur had borrowed a sum of Rs.8 lacs from Rajinder Singh alongwith an additional amount of Rs.2.40 lacs in cash with a promise to return the said amount on completion of the education of Jasmeet Kaur in Canada. After completing her studies, Jasmeet Kaur came back to India on being granted permanent residency. Rajinder Singh, the maternal-uncle of the petitioner alongwith Harjinder Singh-father-in-law of Rajinder Singh approached the parents of the petitioner with a marriage proposal with the petitioner's sister-Jasmeet Kaur and Harpreet Singh son of the complainant. On denial of the proposal, a police complaint was submitted by the complainant alleging that a fraud had been committed upon them by the family of the petitioner on the pretext of taking Harpreet Singh to Canada. Later, a compromise was arrived at and Rs.12 lacs was repaid in



cash to the complainant in the presence of his son Harpreet Singh. On account of further pressure, the marriage of Jasmeet Kaur was performed with the complainant's son Harpreet Singh. On account of the fear created by the complainant party in connivance with the police, Jasmeet Kaur was forced to leave for Canada. Thereafter, the entire family of the petitioner came to be implicated in the present case. He contends that, though, the allegations levelled in the FIR run counter to the true facts, however, even if the allegations are believed to be true, so far as the present petitioner is concerned, his date of birth is 31.08.2004 and he was of the age of 19 years at the time of registration of the FIR and was studying in college. The allegations pertain to earlier period when he was less than 18 years old and a student of Class XI or Class XII. Only omnibus allegations have been levelled against him in the FIR and in the various statements recorded under section 161 Cr.P.C. which are collectively attached as Annexure P-11. It does not stand to reason that a boy of the age of approximately 18 years at the time of the registration of the FIR would be in connivance with his parents to commit the offences in question. He, therefore, prays that the present FIR (Annexure P-1), Report under Section 173 Cr.P.C. (Annexure P-2) and all consequential proceedings arising therefrom be quashed qua the petitioner alone.

4. The learned counsel for the complainant-respondent No.2 and the counsel for the State, on the other hand, contend that the present FIR came to be registered after an enquiry had taken place. The report under



Section 173(2) Cr.P.C. stands presented after which the charges have been framed against the petitioner as well. The remedy available to him is to file a criminal revision petition against the order framing charges. Disputed questions of facts cannot be adjudicated upon in a petition under Section 482 Cr.P.C. Even otherwise, the charges have been framed against the petitioner under Section 120-B IPC as well. They, therefore, contend that the present petition is liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. A perusal of the FIR would reveal that so far as the present petitioner is concerned, no specific allegations have been levelled against him, though, he is mentioned as accused No.4 in the original complaint and consequential FIR. In the various statements under Section 161 Cr.P.C., once again, either no allegations are levelled or omnibus allegations have been levelled against the petitioner that he alongwith the others demanded money. Apparently, he was of the age of approximately 19 years and a student of College at the time when the FIR was registered, his date of birth being 31.08.2004. The allegations pertain to even earlier while he was in school. It does not stand to reason that a boy of the age of approximately 18/19 years would commit the offences in question alongwith his parents and sister. Therefore, qua the petitioner, the instant proceedings are nothing but an abuse of the process of the Court.

7. In view of the above, discussion, I find considerable merit in the present petition. Therefore, the same is allowed. The FIR No.20 dated

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18.02.2023 (Annexure P-1) under Sections 406, 420, 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 (deleted later on) registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar, alongwith all subsequent proceedings arising therefrom including the final report/challan under Section 173 Cr.P.C. dated 28.08.2023 (Annexure P-2) stand quashed qua the petitioner alone. The proceedings shall continue qua the other accused.

September 08, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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