

(2011) 11 P&H CK 0248

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-14317 of 2011 (O and M)

Harjinder Kaur and another

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 18-11-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120(B), 406, 420

Citation : (2011) 11 P&H CK 0248

Hon'ble Judges : Nawab Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Nawab Singh, J.—By filing this petition, Harjinder Kaur and Ranjit Singh have sought quashing of First Information Report (for short "FIR") No.185 dated August 17th, 2010 (Annexure P1) under Sections 406 and 420 of the Indian Penal Code, registered in Police Station Patran, District Patiala.

2. Harjinder Kaur - petitioner No.1 is wife of Ranjit Singh - petitioner No.2. Ranjit Singh was residing in Italy. He came to India and persuaded Sher Singh, Mehnga Singh and Ram Rakha - complainants that he would arrange their visit to Italy, provided they pay him an amount of Rs.10.5 lacs, each. Sher Singh and Mehnga Singh after selling their land, paid the amount to Ranjit Singh. Ram Rakha could not arrange the cash and, as such, he gave a plot measuring six Marlas situated at Patra in lieu of the amount to Harjinder Kaur. The petitioners got them issued passports and Visas. Mehnga Singh went to Delhi Airport and he was informed that his Visa was forged one. He could not go to Italy. The Visas issued in the names of Sher Singh and Ram Rakha were also found to be forged one. The matter was investigated and police report was submitted in the Court of Area Magistrate.

3. The Trial Court took cognizance of the offence and formed a prima facie opinion regarding the guilt of the petitioners and charged them for offence under

Sections 406/420/120-B IPC.

4. The only assertion made on behalf of the petitioners is that they have been falsely involved in the case, whereas, it was a civil dispute qua a plot of six Marlas.

5. This Court does not concur with the submission of the learned counsel for the petitioners, because, if such vague pleas are accepted and that too for quashing of the FIR at the initial stage, then there shall be no end. The allegations levelled against the petitioners cannot outrightly be rejected at this stage. The plea taken is a disputed question of facts, which cannot be determined by this Court, while hearing a petition u/s 482 CrPC.

6. The facts and circumstances of the case do not warrant quashing of the FIR.

7. Hence, finding no merit in the petition, the same is dismissed.