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

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Date of decision : 08.05.2025

Harpinder Singh Billing

... Petitioner

Versus

State of Punjab and another

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Gaurav Vir Singh Behl, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.2 dated 15.01.2025, under Section 420 IPC, registered at Police Station City Khanna, District Ludhiana (Annexure P-9) and all the subsequent proceedings arising therefrom.
2. Learned counsel for the petitioner submits that the entire dispute is professional in nature and the petitioner, who was running Immigration Institute, has not cheated the complainant. He further submits that the petitioner has not embezzled any amount because he had spent the same for sending the complainant's daughter to Canada and for paying the fees of her college. It is, in fact, the daughter of the complainant, who had failed in the programme which she had chosen to study and the petitioner is not responsible for the



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same. Moreover, the daughter of the complainant is already on study Visa in Canada and has married there.

3. I have heard learned counsel for the petitioner and have carefully perused the material available on record.

4. It is the case of the prosecution that the petitioner, who was running Immigration Institute, had promised the complainant to send the daughter of the complainant abroad for studies and to get her admitted in a Government college in Canada. After reaching there, the daughter of the complainant came to know that it is a private college and the petitioner had not deposited the fees whereas the complainant had transferred the sufficient amount to the petitioner's account and therefore, he embezzled the hard earned money of the complainant. As a result thereof, the daughter of the complainant was deported back to India.

5. It is an admitted case that the petitioner used to run Immigration Institute in the name of 'E-Planet, IELTS and Immigration Institute, Amargarh, District Malerkotla. The complainant approached the petitioner to get admission of his daughter in a Government college at Canada. The petitioner embezzled money from the complainant on the pretext of promising him to get her daughter admitted in a Government college at Canada which was later found to be a private college. The daughter of the complainant was deported back to India since her college was not recognized. Moreover, it is irrelevant to mention that the complainant's daughter was married in Canada.

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6. In view of the aforementioned facts and circumstances of the case, this Court is not inclined to use extraordinary powers under Section 528 of the BNSS as there are disputed question of facts which cannot be proved at this stage and the petition stands dismissed.

7. However, the petitioner would be at liberty to raise all the pleas taken herein before the trial Court at an appropriate stage.

(H.S.GREWAL)
JUDGE

08.05.2025
A.Kaundal

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