

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CNR No: PHHC010889412026
2026:PHHC:137126



CRM-M-30376-2026 (O&M)

Gurmeet Singh

...Petitioner

Versus

Jain Overseas Travel Agency and others

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	18.09.2026
2	The date when the judgment is pronounced	24.09.2026
3	The date when the judgment is uploaded on the website	24.09.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Neeraj Poswal, Advocate (Amicus Curiae)
for the petitioner.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) is for quashing of order
dated 09.04.2026, passed by the Court of learned Additional Sessions Judge,
Kapurthala, whereby revision petition filed by the petitioner was dismissed,
as also order dated 17.12.2024 passed by learned Judicial Magistrate First
Class, Bholath, District Kapurthala, whereby criminal complaint filed by the
petitioner, titled as *Gurmeet Singh v. Jain Overseas Travel Agency and
others*, under Sections 420, 468, 406, 467, 465, 471, 120-B and 506 of the
Indian Penal Code, 1860, was dismissed.

2. Brief facts of the case relevant for disposal of this petition are that the petitioner, a retired Subedar from the Indian Army, wanted to send his daughter Navneet Kaur abroad for higher studies. In April, 2018, he approached respondent no.2, Sumit Jain, who runs a travel agency in the name of Jain Overseas Travel Agency (respondent no.1), and his associate, respondent no.3 Shivani. They assured the petitioner that his daughter would be sent to a Government college in Canada, where the fee would be low and she could work 20 hours a week alongside her studies. It was also assured that after completion of the course, she would get a three-year work permit leading to permanent residency. On this assurance, an offer letter from Coquitlam College was obtained, which was represented to the petitioner to be a government institution and a sum of Rs. 21,000/- was charged for the same. Petitioner raised a loan of Rs. 6,97,420/- from a bank at Bholath and remitted the amount to Supreme Security. Visa was issued on 01.08.2018 and his daughter left for Canada on 29.08.2018. On reaching there, she came to know that Coquitlam College was, in fact, a private institution with high fee and that the course of her choice was not available and even she was not permitted to work. Petitioner had to send further amounts of money from time to time, including Rs. 1,72,000/- in December, 2019. He claims to have spent a total of Rs. 66,33,218/- towards fee of the two colleges where his daughter studied, for which he had to sell his old house, mortgage the new one and also raise a bank loan. An amount of Rs. 38,00,729/- was arranged by him from his relatives who were residing abroad. He moved a complaint to the police but no action was taken thereunder. Upon which, he filed the aforementioned criminal complaint on 18.11.2023.

3. The complaint was dismissed by learned Judicial Magistrate

First Class, Bholath, vide order dated 17.12.2024 under Section 203 Cr.P.C. After recording the statement of the petitioner as PW-1 and three other witnesses and examining the documents on record, learned Magistrate observed that the petitioner's daughter, being the most material witness, had not been examined despite being available, warranting an adverse inference against the petitioner. It was further observed that the petitioner and his daughter, being educated persons, could have verified the antecedents of the college before paying such a large amount, particularly when the offer letter from Coquitlam College had been obtained at the petitioner's own request. The enquiry conducted by the DSP, Criminal Investigation, Kapurthala, on the earlier police complaint had also found that the daughter had herself selected the college and course and that she failed to obtain a work permit because she had failed in three semesters and not due to any fault of the respondents. Learned Magistrate further found that there was no material to show any forgery so as to attract Sections 465, 467, 468 and 471 IPC. It was also noticed that the petitioner's daughter came to know the true position regarding the college in 2018, but the complaint was filed only in 2023 and the police was approached for the first time in 2022, without any explanation for the delay.

4. The revision petition filed by the petitioner was also dismissed by learned Additional Sessions Judge, Kapurthala, vide order dated 09.04.2026. It was observed that the only fact proved on record was that the petitioner had sent his daughter to Canada for studies and had deposited the requisite fee. The revisional Court further observed that no one could be forced to study in a particular college and that the petitioner or his daughter could have chosen not to deposit the fee if they were not satisfied with the

offer letter or the college. Aggrieved thereby, the petitioner has filed this petition.

4. The petitioner was initially appearing in person and subsequently was provided legal aid by this Court by way of appointing Mr. Neeraj Poswal, Advocate as Amicus Curiae. It has been argued by him that the petitioner has been dishonestly induced from the very inception by respondents' false representation that Coquitlam College was a government institution, which by itself makes out an offence under Sections 420 and 120-B IPC. He has further argued that learned Courts concerned have exceeded their jurisdiction by conducting what is virtually a mini-trial at the stage of summoning and that non-examination of his daughter could not have been made the sole ground for dismissal of the complaint since at that stage the Court is only required to see whether a prima facie case is made out and detailed appreciation of evidence is impermissible. It is further argued that the delay in filing the complaint stood sufficiently explained by the Covid-19 pandemic, during which his daughter remained stranded abroad. The true extent of the fraud came to his knowledge only after her daughter returned to India in the year 2022. The learned Courts concerned ignored the documentary evidence in the form of bank statements, offer letter and police complaint, produced by him. The learned revisional Court mechanically affirmed the order of learned Magistrate without independently appreciating the material on record. It is, thus, urged that the petition deserves to be allowed and the impugned orders are liable to be set aside. To fortify his arguments, learned counsel for the petitioner has relied upon ***Nagawwa versus Veeranna Shivalingappa Konjalgi*, (1976) 3 SCC 736**, and ***Pepsi Foods Ltd. versus Special Judicial Magistrate*, (1998) 5 SCC**

749.

5. This Court has heard the submissions advanced by learned counsel for the petitioner, besides going through the material placed on record.

6. This Court, while exercising jurisdiction under Section 528 BNSS, does not sit as a court of appeal over the findings recorded by the Courts concerned nor is it to reappreciate the evidence as if hearing the matter afresh. Interference in the exercise of inherent jurisdiction is called for only where the finding recorded is shown to be perverse, based on no material, or vitiated by any illegality or jurisdictional error. In the present case, learned Judicial Magistrate has, after examining the petitioner and his witnesses and going through the documents produced by him, recorded specific findings that the most material witness, i.e., the petitioner's own daughter, at whose instance the entire transaction is stated to have been entered into and who alone could have deposed to what was represented to her and what she actually found upon reaching Canada, was withheld from the witness box without any explanation and that the petitioner, who has himself drafted and argued the complaint without the assistance of any counsel, and his daughter, who is stated to have secured good bands in IELTS, cannot be heard to say that they could not verify the antecedents of Coquitlam College before remitting several lakhs of rupees, particularly when the offer letter from that very college was obtained at the petitioner's own asking. It was also observed that the enquiry conducted by the police at the petitioner's own instance found that it was his daughter who had chosen the college and course and that she was denied a work permit on account of her having failed in three semesters, a fact having nothing to do with any

representation made by the respondents. No particular of any forged document was ever spelt out to sustain the allegations under Sections 465, 467, 468 and 471 IPC. These are findings of fact, arrived at on an appraisal of the material actually produced by the petitioner, and nothing has been shown to this Court to hold them to be perverse or otherwise unsustainable.

7. Reliance placed by the petitioner on *Nagawwa's case (supra)* and *Pepsi Foods Ltd.'s case (supra)* does not advance his case. Both the judgments hold that summoning of an accused is a serious matter and that a Magistrate is required to apply his mind to the material on record before issuing process, but they equally recognize that process can be refused where, even taking the allegations at their face value, they are inherently improbable or do not disclose sufficient ground for proceeding. That is precisely the view taken by learned Magistrate and affirmed by learned revisional Court, on the facts noticed above. Non-examination of the daughter was not treated by learned Magistrate as the sole ground for dismissal. It was one of several circumstances, along with the petitioner's own conduct, the result of the police enquiry and the absence of any material for the forgery counts, that were weighed together.

8. As regards delay, the explanation of the Covid-19 pandemic does not answer the finding recorded by learned Magistrate. On the petitioner's own case, the true nature of the college and the falsity of the assurance held out to him came to light in the year 2018 itself, when his daughter reached Canada, well before the pandemic. The complaint, however, came to be filed only in November, 2023, and even the police were first approached only in the year 2022. This delay of about five years, substantially unexplained, was rightly taken into account by learned

Magistrate as one of the circumstances casting doubt on the complaint, and there is no reason for this Court to take a different view.

9. Learned revisional Court, while dismissing the revision, has independently noted that the only fact established on record was that the petitioner had sent his daughter to study in Canada and had paid the fee and that no element of cheating stood otherwise proved. This finding does not suffer from the vice of being a mere mechanical affirmation and is consistent with the reasons recorded by learned Magistrate. The Courts concerned have concurrently found that upon appraisal of the material actually placed on record by the petitioner himself, no case was made out for summoning the respondents.

10. In view of the discussion as made above, this Court does not find any illegality, perversity or jurisdictional error in the impugned orders. No case for interference is made out in exercise of the inherent jurisdiction of this Court. Accordingly, the petition, being devoid of merit, is dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

24.09.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No