



IN THE COURT OF JAGMEET SINGH (PB0394), PCS,
CIVIL JUDGE (JUNIOR DIVISION),
GARHSHANKAR

Registration/CIS No.	CRM/83/2023
Date of Institution	27.03.2023
Date of Decision	19.05.2023

Satbir Singh aged 42 years son of Guljit Singh, House No.B-11 MCH
751/2, Kamalpur, Jalandhar Road, Hoshiarpur.

.....Applicant/Complainant

Versus

1. The DSP, Garhshankar o/o DY Superintendent of Police,
Garhshankar.
2. Bhagat Hari Singh Charitable Trust/Hospital, VPO Dadyal, Saila
Khurd, Tehsil Garhshankar, District Hoshiarpur.
3. Onkar Singh son of Hari Singh c/o Bhagat Hari Singh Charitable
Trust/Hospital, VPO Dadyal, Saila Khurd, Tehsil Garhshankar,
District Hoshiarpur.
4. Malkiat Singh son of Hari Singh c/o Bhagat Hari Singh Charitable
Trust/Hospital, VPO Dadyal, Saila Khurd, Tehsil Garhshankar,
District Hoshiarpur.
5. Surinder Kaur wife of Malkiat Singh c/o Bhagat Hari Singh
Charitable Trust/Hospital, VPO Dadyal, Saila Khurd, Tehsil
Garhshankar, District Hoshiarpur.

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Balbir Singh
EXAMINER
30-5-23

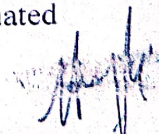
6. Raminder Sagoo c/o Bhagat Hari Singh Charitable Trust/Hospital, VPO Dadyal, Saila Khurd, Tehsil Garhshankar, District Hoshiarpur.
7. Parwinder Singh Nijjar c/o Bhagat Hari Singh Charitable Trust/Hospital, VPO Dadyal, Saila Khurd, Tehsil Garhshankar, District Hoshiarpur.
8. Deepak Chaudhary son of Prem Dass resident of House No.174, Ward No.05, Street No.1, Shalimar Nagar, Hoshiarpur.
9. Balwinder Singh son of Sukhchain Singh c/o Bhagat Hari Singh Charitable Trust/Hospital, VPO Dadyal, Saila Khurd, Tehsil Garhshankar, District Hoshiarpur.

.....Respondents/Accused

(Complaint under Section 156 (3) Cr.P.C.)

Present:- Complainant in person along with Sh. Deepinder Singh Advocate.

1. This order shall dispose of application under Section 156 (3) Cr.P.C. for seeking registration of FIR against accused no.2 to 9.
2. It is averred that accused no.2 is purported to be Charitable Trust/Hospital and accused no.3 to 7 are its trustees whereas accused no.8 is illegal power of attorney holder who represents accused no.2 to 7 in legal proceedings and accused no.9 is General Manager of the hospital. Accused no.2 Trust is situated



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at village Dadyal, Saila Khurd, Tehsil Garhshankar, District Hoshiarpur. This trust receives grants and funds from foreign sources which is a 'foreign contribution' as per FCRA Act, 2010. The trustees i.e. accused no.3 to 7 are residing outside India and are British citizens. The trust is having more than one account in banks. It is not a registered trust. It has violated Sections 17 and 19 of FCRA Act. The acceptance of foreign contribution by such a trust is an offence under Section 35 of the Act. The statement of bank accounts is also produced showing the receiving of money from foreign sources illegally by the trustees. Moreover, accused persons have got prepared Aadhar cards with fake documents and manipulations as they reside outside India but they have obtained the aadhar cards of local addresses. Complaint regarding the said offence was also given by complainant, a practitioner Advocate, to the office of Deputy Commissioner, Hoshiarpur and office of SSP, Hoshairpur but no action has been taken by them against accused persons. Accordingly, it is prayed that on account of serious violations under relevant provisions of FCRA Act and by preparing manipulated Aadhar cards leading to commission of offences under IPC by accused persons, necessary direction be given under Section 156 (3) Cr.P.C. to concerned Police Station for registration of FIR against accused.

3. During arguments, complainant reiterated the averments of complaint and has relied upon following case laws :-

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Rajiv S. J.

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- Balwinder Singh Vs. State of Punjab, CRM-M-37568-2019 (P&H)
- Swarn Singh Vs. State of Punjab, CRM-M-30135-2019 (P&H)
- Chandrashekhar Choudhary Vs. State of Chhattisgarh, M.Cr.C No.7516 of 2016 (HC of Chhattisgarh)

4. Having perused the case file carefully, this court has heard complainant in person and ld. counsel for complainant/applicant.

5. The primary allegation raised by complainant is that accused no.2 Trust and accused no.3 to 7 trustees have violated various provisions of Foreign Contribution Regulation Act (FCRA Act), 2010 by receiving funds from foreign sources, as being depicted in account statements on record, without registration under the Act. The other allegation is that accused persons despite being British citizens have got prepared aadhar cards of the addresses of India with fake documents and manipulations.

6. It is pertinent to mention here that as per Section 40 of FCRA Act, 2010, no court shall take cognizance of any offence under the Act, except with the previous sanction of the Central Government or any officer authorized by the Central Government in this behalf. Nothing is there on record to show that complainant/applicant has moved any application before concerned authority under the Act which has been nominated by

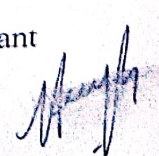
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the Central Government, to obtain sanction for proceeding against accused persons under the provisions of FCRA Act. In the absence of any such sanction, cognizance cannot be taken for any alleged commission of offence under FCRA Act by the accused persons.

7. Moreover, nothing is there on record to show that any extraordinary circumstances are made out to order registration of FIR. Nothing is pointed out as to how only police can collect the evidence against accused persons after registration of FIR and that complainant cannot proceed against accused persons by filing separate criminal complaint under Section 2(d) read with Section 200 Cr.P.C. after obtaining required sanction from the Central Government.

8. Moreover, complainant/applicant himself mentioned the addresses of accused persons to be that of Tehsil Garhshankar, District Hoshiarpur in the head note of application. If those addresses of accused persons are their native addresses, the aadhar cards could always have been got prepared by them as per the procedure and law. Mere fact that now accused persons are Non-Resident Indians, it cannot be outrightly averred or alleged by complainant that accused persons have manipulated or got prepared the aadhar cards with fake documents.

9. In such circumstances, this court is of considered view that no grounds are there to order registration of FIR as per Section 156 (3) Cr.P.C. The case laws relied upon by complainant

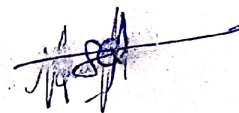


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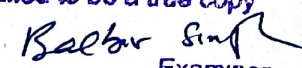
Balbir Singh

provide for different facts and they do not have any bearing on present application. Therefore, present application under Section 156 (3) Cr.P.C. moved by complainant/applicant is dismissed. Nothing in this order shall preclude complainant/applicant from filing separate criminal complaint under Section 2 (d) read with Section 200 Cr.P.C, after obtaining required sanction as per law. File be consigned to record room.

Pronounced in open court:
19th May, 2023


(Jagmeet Singh) UID PB 0394
Judicial Magistrate Ist Class,
Garhshankar

Sunita Chauhan/Stenographer Gr. II.

Verified to be a true copy

Examiner
Authorised by Section 76 of
the Indian Evidence Act, 1872
30-5-23

1828
No. of Application 25-05-23
Date of Application Charangit
Name of Applicant Charangit
Date of Preparation of Copy 30-5-23
Copying Fee 12/-
Urgent Fee 06/-
Number of Pages 06
Name of Copier Angdeep
Compared by 30-5-23
Date of Delivery 30-5-23
