Ct. Case No.335/2023 KANWAL NAIN SINGH MOKHA Vs. ABHINAV PRAKASH RAUT (Tilak Nagar)

18.11.2023

The undersigned is also doing the work of Ld. CMM Court.

Present: Complainant in person with Ld. Counsel Sh. Keshav Sethi.

Further ATR filed. It has been mentioned in the last line of the ATR that chats and voice recording of the complainant have been analyzed and the same reveals that money was taken from the complainant on the pretext that a job would be arranged for his son.

File has been perused. It has been submitted that the proposed accused represented to the complainant and his son that he would arrange a job and PR (personal residency) for the complainant's son in Canada. Based on the same representation, an amount of Rs.35 lakhs was taken from the complainant on different dates. Bank account statements in this regard are on record.

It has been further submitted that the proposed accused created false email id and sent various emails to the complainant's son falsely representing that the said emails are being sent from Vancouver, Canada by an email ID by the name Vancouver.recruitments.vc@gmail.com (and showing the name of Jurgen Stanley). It has been submitted that through the said email ID, emails were sent to the effect that the complainant's son has been selected at Vancouver Port as Security Trainee for three months. Further, it has been submitted that no such job was arranged for the complainant's son and these emails were sent impersonating the organization 'Vancouver Port' and the same is evident from the said email which is written in incorrect grammar and have been signed by

one Badal Singh (whereas the email ID is of a person by the name of Jurgan Stanley) (reliance is placed on page no. 34 and 43 of additional documents).

It has been further submitted that fake emails were sent impersonating the visa headquarters, in which it was stated that payment has been received from the complainant and his visa application is under process and further documents were asked from the son of the complainant. It has been submitted that the said email (on page no. 33 of the additional documents) is fake since the address of the visa headquarters in the said email is wrong and the email ID is also wrong and does not belong to the concerned visa agency.

It has been further submitted that various phone calls were made to the complainant and it was represented that the said phone calls are being made from Canadian embassy. The said phone calls were made from the phone no. 9811781164. It has been submitted that this phone number was checked on true caller but it did not show that phone number belongs to Canadian embassy.

It has been further submitted that another fake email received from email ID by the was an name of documents legalcanada@yahoo.com, in which it was represented that the work visa of the son of the complainant was being rejected. Again, it has been submitted that the said email ID does not belong to the embassy and the said email is a fake email which was sent to cheat the complainant.

Further, call recordings (in relation to the phone number 9811781164 as mentioned above) have been played in the court in which a person is stating that he is from the Canadian embassy and was asking for a certain amount and details for processing the visa.

The aforesaid discussion prima facie reveals that the complainant and his son have been cheated on the pretext that a

job/PR would be arranged for the son of the complainant in Canada and in order to deceive the complainant, various fake emails and calls have been sent/made from various agencies (Vancouver Port and Canadian Embassy). Therefore, prima facie, allegations reveal commission of offence of cheating and forgery. Field investigation is clearly required to trace the source of the fake emails and also to trace the accused who had made fake calls pretending to be an officer from Canadian embassy. Further, voice sampling would be required once the said accused is traced. In view of above discussions, application under section 156 (3) of the Cr.P.C. is allowed. S.H.O., Police Station Tilak Nagar is directed to register F.I.R. within 7 days and investigate the case.

Accordingly, application u/s 156(3) Cr.PC stands disposed of. Nothing remains to be done. File be consigned to record room as per rules. The Ahlmad is directed to tag the complaint u/s 200 Cr.PC alongwith the final report, as and when it is filed.

Ld. Counsel for the complainant is at liberty to move a miscellaneous application for monitoring the investigation in FIR. IO can always file a cancellation report if no offence is made out.

Copy of the order be sent to SHO concerned for intimation and compliance.

The allegations in the present case are serious in nature. Accordingly, SHO is directed to depute an officer not below the rank of Inspector to investigate the present case. Further, it is directed that the complainant be apprised about the status of the case every 15 days.

Copy of this order be given dasti.

(DEVANSHU SAJLAN) MM-07 (West) THC, Delhi 18.11.2023