

CRM-M-1057 of 2015

Date of Decision: 14.01.2015

Swaran Singh and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioners

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioners have filed the instant petition under Section 482 of the Code of Criminal Procedure (in short “Cr.P.C.”) seeking quashing of FIR No. 71 dated 26.3.2014 registered at Police Station, City Khanna for offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (in short “IPC”).

Counsel for the petitioners contends that in regard to agreement in question, civil litigation is already pending between the parties in which the respondent/complainant filed written statement in December 2011. It is further submitted that the instant FIR has been lodged with an intent to put pressure upon the petitioners and wriggle out of the agreement to sell. It is further argued that the criminal proceedings are nothing but an abuse and misuse of process of court.

I have heard counsel for the petitioners and perused the records.

The same set of allegations can give rise both civil and criminal proceedings. The judgment passed by the civil court is not binding upon the criminal court and equally true is vice versa. The disputed questions of fact are not amenable to adjudication under Section 482 Cr.P.C. nor the court can embark upon an enquiry in regard to truth or falsity of the allegations. In this context reference is made to judgment of the Hon'ble Supreme Court of India in *State of Haryana and others vs. Ch. Bhajan Lal and others AIR 1992 SC 604*.

In view of the above, I do not find any reason to interfere in exercise of jurisdiction under Section 482 Cr.P.C.

Dismissed.

(REKHA MITTAL)
JUDGE

14.01.2015
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