

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-41073-M-2007 (O&M)

Date of decision: August 04, 2015

Baljinder Singh Garewal & others ...Petitioners

Versus

State of Punjab & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amandeep Singh Talwar, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. Deepinder Singh, Advocate for respondent No.2.

Rajan Gupta, J.

Petitioners seek quashing of FIR No.313 dated 12.12.2006, under Sections 420, 406, 120-B IPC registered against the petitioners at Police Station Sadar, Khanna, Police District Khanna, at the behest of respondent No.2.

Learned counsel for the petitioners has argued that petitioner No.1 transferred the property in question in the name of his wife i.e. petitioner No.2 on the basis of Power of Attorney executed by respondent No.2 in his favour on 9.3.1978. Transfer was carried out in July, 2005, while subsequent Power of Attorney was executed on 24.11.2005. Thus, no offence under sections 420, 406, 120-B IPC is made out. According to him, civil suit has already been decided in favour of the petitioners.

Plea has been opposed by learned counsel representing respondents. According to them, a legal notice was served upon the petitioner(s) apprising him of cancellation of earlier Power of Attorney. Despite this, petitioner No.1 transferred the property in the name of his wife. Thus, he cheated the complainant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint of Kuldip Singh Grewal. He stated that he was an NRI. He was asked by petitioner No.1 to execute General Power of Attorney in his favour to look after and manage his properties in his absence. In good faith he executed General Power of Attorney dated 9.3.1978 in Canada and sent it to petitioner No.1. Father of complainant died on 27.1.2002 leaving behind various properties. He had also executed a registered Will dated 21.6.1982 during his life time. Complainant, thus, asked petitioner No.1 not to act on the basis of Power of Attorney executed in 1978. Complainant appointed another person as his Attorney. A legal notice dated 8.6.2005 was also served on petitioner No.1. However, petitioner No.1 in connivance with co-accused hastily transferred certain land on the basis of power of attorney dated 9.3.1978. He had, thus, cheated the complainant.

In my considered view, no case for interference in inherent jurisdiction is made out. Only factual issues have been raised. Same cannot be decided unless some evidence comes forth. This court does not intend to express any opinion on merits of the case as only affidavits of respective parties are available on record. Under the circumstances,

petition is without any merit and is hereby dismissed.

FIR pertains to the year 2006 and proceedings were stayed way back in the year 2007. In view of same, it is directed that the trial court shall endeavour to conclude the trial expeditiously.

(RAJAN GUPTA)
JUDGE

August 04, 2015
'Rajpal'