

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-2033 of 2014 (O/M)
Date of decision : 27.2.2015

Charanjit Kaur and Naib Singh

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. N.K. Manchanda, Advocate, for the petitioners.

Mr. Ashish Sanghi, Deputy A.G., Punjab.

1. Whether the Reporters of local newspaper 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 ?

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KULDIP SINGH, J. (ORAL)

This petition has been filed for quashing the FIR No. 13, dated 31.1.2013, registered under Sections 420, 120-B IPC at Police Station Moga City, District Moga (Annexure-P-1), and all consequential proceedings arising therefrom.

A perusal of the of the FIR in question shows that it was alleged by the complainant that accused Charanjit Kaur wife of Naib Singh (petitioners No. 1 and 2 herein) entered into an agreement to sell dated 16.3.2011 for the sale of 6 Marla 1/2 Sarsahi in favour of

the complainant, situated at Baba Jiwan Singh Nagar Moga, for Rs. 11 lacs. Rs. 9 lacs were paid in cash to Charanjit Kaur in the presence of witnesses at the time of agreement and remaining amount was to be given on 18.4.2011 in the office of Sub Registrar, Moga. On the said date, Charanjit Kaur did not come present in the office of Sub Registrar, Moga, for executing the sale deed. The complainant made an application before the Registrar, Moga, to mark his presence. It is stated that the complainant has been cheated.

Learned counsel for the petitioner has stated that on the said date, the petitioners were present before the Sub Registrar, Moga, and that it is a civil dispute.

I have heard learned counsel for the parties and have also carefully gone through the file.

The facts of the case are plain and clear. It comes out that an agreement to sell was entered on 16.3.2011 between the petitioners and complainant and earnest money was paid, but the seller did not come present for executing the sale deed. There are no allegations that from the very beginning the petitioners had any intention to cheat the complainant. Only Charanjit Kaur, who is stated to have received money in the presence of her husband Naib Singh, has also been made accused. The plain facts make it clear that it is a dispute of civil nature and the ingredients of Section 420 IPC are not made out. It being so, the present FIR is nothing, but

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SANJIV KUMAR SHARMA
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I attest to the accuracy and
authenticity of this document

misuse of process of Court. Accordingly, FIR No. 13, dated 31.1.2013, registered under Sections 420, 120-B IPC at Police Station Moga City, District Moga (Annexure-P-1), and all consequential proceedings arising therefrom stand quashed.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

27.2.2015
sjks

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 25.2.2015

CRA No. S-1450-SB of 2003 (O/M)

Ruldu Ram and Harmesh Singh @ Meshi Appellant

Versus

State of Punjab

..... Respondent

CRR No. 1939 of 2003 (O/M)

Jagjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Narinder Singh, Advocate, for the appellants
in CRA No. S-1450-SB of 2003 and for
respondents No. 2 and 3 in CRR No. 1939 of 2003.
Mr. Ashish Sanghi, Deputy A.G., Punjab.
Mr. Manvinder Singh Sidhu, Advocate,
for the petitioner in CRR No. 1939 of 2003.

1. Whether the Reporters of local newspaper 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 ?

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KULDIP SINGH, J. (ORAL)

By this order, I will dispose of CRA No. S-1450-SB of 2003, filed by the accused/appellants Ruldu Ram and Harmesh Singh @ Meshi and CRR No. 1939 of 2003, filed by the complainant Jagjit Singh.

In CRA No. S-1450-SB of 2003, Ruldu Ram and Harmesh Singh @ Meshi have challenged the judgment and order