

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-26651 of 2010(O&M)

Date of decision: 09.02.2015

Sukhwinder Pal Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.S.K.Arora, Advocate for the petitioner
Mr.Nikhil K. Chopra, DAG Punjab
Mr.K.S.Sidhu, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 10 dated 14.1.2010 under Sections 420 IPC registered at Police Station Sadar Ferozepur (Annexure P-5) along with consequential proceedings.

It comes out from the FIR (Annexure P5) that Bhupinder Kaur who happens to be real sister of Sukhwinder Pal Singh accused, had made a complaint that Sukhwinder Pal Singh had entered into an agreement of sale dated 14.7.2005 with her regarding his land measuring 24 kanals, situated in Ratta Khera Punjab Singh Wala and received Rs.7,50,000/- as earnest money from her. Date for execution and registration of sale deed was fixed as 13.1.2007. But on that date, due to non arrangement of money,

date was extended to 16.7.2008. But even on the said date also, the sale deed was not executed. The complainant had marked her presence before Sub Registrar, Ferozepur on 16.7.2008. Complainant complained that she has been cheated.

It also comes out that on the basis of said agreement, a civil suit for possession by way of specific performance was filed before learned Addl. Civil Judge (Senior Division), Ferozepur, which has since been dismissed on 28.8.2014 and against that order no appeal is stated to have been filed.

The facts as mentioned in the FIR and as reproduced above, clearly show that it is a civil dispute regarding enforcement of the agreement. Total sale consideration was stated to be Rs.8 lac, out of which, Rs.7,50,000/- were paid. The complainant had already availed civil remedy. From the facts itself, no offence under Section 420 IPC is made out.

Hence, FIR No. 10 dated 14.1.2010 under Sections 420 IPC registered at Police Station Sadar Ferozepur (Annexure P-5) along with consequential proceedings stands quashed.

Petition is accordingly allowed.

09.02.2015
gk

(Kuldip Singh)
Judge