

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26202 of 2015.

Decided on:-August 17, 2015.

Mohan Kumar @ Karuppayyan Mohan Kumar.Petitioner.

Versus

State of Punjab and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Present:- Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J.

Through the instant petition filed under Section 482 Cr.PC, the petitioner has sought quashing of FIR No.300 dated 28.11.2009 under Section 420 IPC (Sections 419, 465, 467, 471 IPC added later on), registered at Police Station Division No.5, Civil Line, Ludhiana City.

The aforesaid FIR was lodged by complainant Rajesh Dhanda son of Shri Rajinder Pal Dhanda against the petitioner, namely, Mohan Kumar son of Shri Karuppayan. As per the allegations made in the FIR, an agreement for purchase of plot measuring 500 square yards situated at village Phullanwal, Tehsil and District Ludhiana for a consideration of Rs.60

lacs was entered between the petitioner-accused and respondent No.2-complainant. An amount of Rs.39 lacs was paid in advance in the presence of witnesses on 18.10.2007. The date of execution of sale deed was fixed for 18.1.2008. At the time of agreement, the petitioner had assured that he was the owner of the said plot vide sale deed dated 26.6.2009 and the plot was not mortgaged and was free from all sorts of incumbrances. The petitioner requested the complainant to extend the date of agreement as he was to go out of station. The petitioner had assured that he will get the sale deed executed after coming back, but he kept on deferring the matter on one pretext or the other. Ultimately, he refused to get the sale deed registered and has fled away with the money.

Learned counsel for the petitioner, on the strength of aforesaid facts, contends that the dispute involving in the present case is purely of civil nature and the only remedy available to the complainant is to go for a civil suit including a suit for specific performance of the agreement to sell, but the complainant has not filed any civil proceedings.

I have heard learned counsel for the petitioner.

A perusal of report (Annexure P-3) reveals that the matter was looked into by the Economic Offences Wing, Ludhiana. As per the said report, the petitioner had entered into the agreement to sell with the complainant and had fixed the date for registration of the sale deed as 18.1.2008. On the basis of investigation conducted by the said wing, the police has submitted a challan under Section 173 Cr.PC against the

petitioner-accused. Submission of challan is sufficient to establish that the police has collected enough material against the petitioner during the investigation. Further, plea of the petitioner that it is purely a dispute of civil nature cannot be accepted for the reason that from the same set of facts not only civil remedy becomes available, rather, may constitute a criminal offence as well. So, merely because civil remedy is available to the complainant, it does not bar the jurisdiction of the criminal court.

In view of the above, I find no merit in the present petition for quashing of the aforesaid FIR and the same is, accordingly, dismissed.

August 17, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE