

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(211)

CRM-M-32770-2015

Decided on: November 05, 2015.

Anita Rani

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Dhirinder Chopra, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Complainant claims that the petitioner and her husband had received an amount of Rs.6.30 lacs from him as earnest money for sale of the house of the petitioner but the petitioner who is a lady claims that the complainant is a money lender and had given a loan to the husband of the petitioner against the documents signed by the petitioner.

After hearing learned counsel for the petitioner as well as learned State counsel, it appears that till date the complainant has not taken any steps to enforce his civil rights on the basis of alleged agreement of sale.

The investigating agency appears to have not gathered any evidence regarding the source of money with the complainant. The liability of the petitioner appears to be a mixed liability of civil and criminal nature

as the culpability is to be determined on the basis of intention of the petitioner at the inception of entering into the alleged agreement. The petitioner has joined investigation.

In view of said circumstances, the petition is allowed. Interim order dated 24.09.2015 is hereby made absolute subject to the conditions as envisaged under Section 438 (2) Cr. P.C. without prejudice to the right of the parties to be determined by Civil Court or any other Court.

(M.M.S. BEDI)
JUDGE

November 05, 2015
harsha