

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

CRM-M-36922-2013

Date of Decision: November 16, 2015

Kulwinder Singh and another

...Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. B.D.Sharma, Advocate
for the petitioners.

Mr.P.S.Paul, DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 135, dated 08.10.2013, for the offences punishable under Sections 120-B and 420 IPC, registered at Police Station, Lopoke, Police District Amritsar Rural and all the consequential proceedings arising therefrom.

Learned counsel contends that the case of civil nature has been given the colour of a criminal case; no civil suit has been filed by the informant-complainant; similar situate

complaint presented earlier before the police, was dismissed after thorough inquiry and that there is no material to connect the petitioners with the offences for which they have been booked.

Learned counsel for the State submits that the matter has been thoroughly investigated and the investigation is at final stage. Within ten days from today, the charge-sheet (challan) is likely to be presented before the learned Area Judicial Magistrate. He further submits that there are specific allegations of commission of cheating and conspiracy hatched by the petitioners with the informant Amarjit Singh. To elaborate his submissions, the counsel appearing for the State pointed out that an agreement to sell 16 kanals of land was executed by the petitioners in favour of Amarjit Singh and an amount of Rs.4,50,000/-(Rupees four lacs and fifty thousand only) was charged on 18.08.2011. Thereafter the petitioners charged more amount and Rs.6,31,000/- (Rupees six lacs and thirty one thousand only) in all were charged by the petitioners and despite that they failed to execute the sale deed in favour of the informant. He further submits that it is not a simple case of breach of contract. In fact, with mala fide intentions and in a calculated manner, the petitioners gradually convinced the informant to part with the hefty amount under the pretext that 16

kanals of land would be alienated in his (informant) favour but after charging Rs.6,31,000/- (Rupees six lacs and thirty one thousand only), the petitioners have deliberately failed to alienate the land.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The arguments raised by learned counsel for the petitioners are to be tested and decided on the basis of evidence to be led during trial. The disputed question of facts cannot be decided by this Court while exercising the jurisdiction under Section 482 Cr.P.C. The veracity of the documents being relied upon by the petitioners is also to be decided during trial. There are specific allegations of hatching of conspiracy and in furtherance thereof committing cheating with Amarjit Singh to part with hefty amount Rs.6,31,000/- (Rupees six lacs and thirty one thousand only). Therefore, there is no good ground for quashing the impugned FIR, at this stage.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

November 16, 2015
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