

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

CRM M-37094 of 2015

Date of decision : 30.10.2015

Harjinder Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sukhdev Singh, Advocate for the petitioner.

RAJAN GUPTA J.

This is a petition under section 482 Cr.P.C. seeking quashing of orders Annexure P-5 & P-6 passed by the courts below.

Petitioner filed a complaint before the Judicial Magistrate Ist Class, Patiala under section 156(3) Cr.P.C. for registration of case against the private respondents. He alleged that he had entered into an agreement to sell with the respondents and paid ₹23.00 lacs as earnest money. On the stipulated day i.e. 31.08.2008, the complainant remained present in the office of Sub Registrar, Patiala. However, accused failed to appear. Thus, offence under sections 419, 420, 406, 467, 468, 471 read with section 120B IPC was made out against the accused. Petitioner lead preliminary evidence before the Judicial Magistrate Ist Class, Patiala. He examined the matter and came to the conclusion that no offence under the said sections was made out. Petitioner preferred appeal before the Additional Sessions Judge, Patiala. However, he remained unsuccessful. Though a query has been put to counsel for the petitioner about the maintainability of appeal

against the order passed by Judicial Magistrate Ist Class, Patiala, no clear answer is forthcoming. In any case the case has been examined on merits. The entire transaction appears to be civil in nature. Admittedly, time for execution of agreement was extended up to 31.12.2008 and thereafter to 31.03.2009 with the consent of complainant-petitioner. Present petition is, thus, frivolous. No interference in inherent jurisdiction is called for. Dismissed.

October 30, 2015

Ajay

(RAJAN GUPTA)
JUDGE