

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

CRM-M No. 4589 of 2013(O&M)

Date of Decision :09.02.2015

Gurmej Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Goraya , Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.AG, Punjab.

Mr.K.S.Dhillon, Advocate for respondent No.2.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of FIR No. 95 dated 31.10.2012 under Sections 420 and 406 IPC, registered at Police Station Bholath, District Kapurthala.

The allegation against the petitioner was that he had entered into an agreement to sell property of which he was not the full owner but was owner only to the extent of ½ share.

Learned counsel for the petitioner has argued that after the

registration of the FIR the parties had cancelled the agreement to sell and the petitioner had paid the entire amount of the earnest money/advance to the complainant and cancellation deed Annexure P-2 had been executed whereby the complainant had accepted this fact and had further agreed that he would have no objection if the FIR against the petitioner be quashed. However, after receiving the entire amount she is now trying to blackmail the petitioner and has resiled from the averments made in the cancellation deed. Learned counsel for the private respondent has accepted that the cancellation deed was duly executed. He has, however, stated that the mere fact that the respondent No.2 had agreed to the cancellation of the agreement to sell would not absolve the petitioner of his action.

In my considered opinion no doubt the petitioner may have been guilty of an attempt to defraud but once the complainant accepted the advance amount and subsequently signed the cancellation deed wherein it was mentioned that she would have no objection to the quashing of the FIR, she cannot now turn around and sing in different tune.

In these circumstances the continuance of the proceedings in my considered opinion would be an abuse of the process of law. Consequently the petition is accepted and the FIR No. 95 dated 31.10.2012 under Sections 420 and 406 IPC, registered at Police Station Bholath, District Kapurthala and the consequential proceedings arising therefrom are quashed.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

February 09 , 2015

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