

CRR-2466-2013

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In the High Court of Punjab and Haryana at Chandigarh.

CRR-2466-2013 (O&M)
Date of Decision:20.08.2015

Tarsem Lal Aggarwal and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Puneet Jindal, Senior Advocate with
Mr. Parambir Singh, Advocate for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

Mr. R.S. Bajaj, Advocate,
for respondent No.2.

SABINA, J.

Petitioners have filed this petition challenging the order dated 16.05.2013.

The case of the complainant, in brief was that for about 5 years, he had been supplying sugar to the petitioners. First two years, the business between the parties was good as the petitioners continued making the payments. However, in the year 2004, petitioners stopped making the payments to the complainant. When the complainant demanded the outstanding money from the petitioners, they started threatening the complainant. In the year 2005, the dispute was compromised with the intervention of the respectables. On 28.02.2006, a meeting was convened and petitioners were

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asked to return the due amount to the complainant. The son of the complainant i.e. Davesb Bansal was given beatings by the petitioners. On the basis of the statement of the complainant, FIR was registered against the petitioners qua commission of offence punishable under Sections 420 and 406 of the IPC.

After completion of investigation and necessary formalities, challan was presented against the petitioners qua commission of offence punishable under Sections 420 and 406 IPC.

Trial Court, vide order dated 10.04.2012, ordered the discharge of the petitioners. However, the said order was set aside in revision by the Court of revision vide order dated 16.05.2013. Hence, the present petition by the petitioners.

Learned Senior counsel for the petitioners has submitted that the dispute between the parties was purely civil in nature. In fact, respondent No.2 has filed suit for recovery against the petitioners and the said suit is pending.

Learned counsel for the respondent No.2, on the other hand, has opposed the petition and has submitted that the criminal and civil proceedings could go side by side. Petitioners had committed the offence of cheating.

In the present case admittedly there were business dealings between the parties. As per the case of the

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complainant, petitioners had failed to make the payments, although, sugar was purchased by them from the complainant. Annexure A-1 is the copy of the plaint qua the civil suit filed by M/S K.D. Sales Corporation through respondent No.2 for recovery against the petitioners. Thus, the complainant has already resorted to his civil remedy to recover the amount in question.

Since the dispute between the parties relates to payment of money, the same can be described to be a purely civil dispute. Hence, the learned trial Court had rightly come to the conclusion that the petitioners were liable to be discharged as no criminal proceedings could be initiated against them qua their civil liability. The Court of revision fell in error while setting aside the well reasoned order passed by the trial Court.

Accordingly, this petition is allowed and the impugned order dated 16.05.2013 is set aside. Consequently, the order passed by the trial Court is upheld.

August 20, 2015
kapil

(SABINA)
JUDGE