

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

CRM-M-9715-2015

Date of decision : 26.3.2015

Kirpal Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.ADS Sukhija, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

The petitioner is the primary accused who pretended a property to be free of encumbrances while entering into an agreement to sell even though the same stood mortgaged. Some payment was received by cheque. Learned counsel for the petitioner would raise an issue about the dispute being civil in character for which appropriate remedies are available with both the petitioner and the complainant. Be that as it may, in matters such as these, in which the petitioner in the first instance tries to palm off a property to be free of encumbrances even though it is mortgaged would indicate a dishonest attempt to entrap a complainant into a transaction. The petitioner is unwilling to return the amount. If that is so, then there is no redeeming

feature to enable this court to exercise its powers under Section 438 Cr.P.C. in favour of the petitioner particularly when his complicity is writ large on the face of it.

Petition dismissed.

26.3.2015
dss

(MAHESH GROVER)
JUDGE