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

CRR No.3896 of 2014

Date of Decision: January 20, 2015.

Surjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Punia, Senior Advocate with
Mr. P.S. Punia, Advocate
for the petitioner.

SABINA, J.

Respondents had faced trial in FIR No.286 dated 21.07.2002, under Section 420 of Indian Penal Code, 1860, registered at Police Station Sadar, Ludhiana. Trial Court vide order dated 05.02.2014 ordered the acquittal of respondents No.2 to 4. Appeal filed by the petitioner against the said order was dismissed by the Appellate Court vide order dated 09.09.2014. Hence, the present petition.

I have heard learned senior counsel for the petitioner and have gone through the record available on the file carefully.

Prosecution story in brief is that complainant had purchased plot measuring 490 sq. yards bearing Khasra No.7//6 situated at Manakwal from respondent No.3 vide agreement dated 04.09.1996. At the time of execution of the agreement, complainant was assured that the plot was situated on the main road of village Manakwal. However, possession of

the plot was taken by some other person before the lodging of the FIR and the said person had started raising construction. On an inquiry made by the complainant, the said person informed that he was the owner of the plot on the basis of registered sale deed.

The Appellate Court while dismissing the appeal filed by the petitioner has held that as per the agreement to sell in question, boundaries of the plot sold by respondent No.3 to the petitioner had not been described. It was only mentioned that a plot measuring 490 sq. yards out of khasra No. 7//6 had been agreed to be sold by respondent No.3 to the petitioner. Petitioner had got the possession of the plot in question and remained in possession of the said plot for more than six years after its purchase. Mutation was also sanctioned in favour of the petitioner.

In these circumstances, the Courts below had rightly ordered the acquittal of the respondents No.2 to 4 as petitioner had failed to establish that the said respondents had committed the offence of cheating.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

January 20, 2015
m.singh