

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Criminal Misc. No. A-688-MA of 2015**  
Date of Decision : January 14, 2016

Neelam Devi

.....Applicant

***VERSUS***

Banesh Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN  
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Sameer Rathore, Advocate for  
Mr. Sumeet Goel, Advocate  
for the applicant.

**T.P.S. MANN, J.**

The complainant has filed the present application under Section 378(4) of the Code of Criminal Procedure for grant of special leave to appeal against the judgment dated February 26, 2015 passed by learned Sub Divisional Judicial Magistrate, Loharu, whereby the respondents stand acquitted of the charges under Sections 420, 467, 468, 471 and 120-B IPC.

The case of the complainant, as stated by her in her criminal complaint, was that she was owner in possession of a plot measuring 4694 square yards situated at Post Office Road, Loharu. She had demolished the old construction and constructed eighteen shops on ground floor of the property and a residential house above four shops. Being a lady, she had executed General Power of

Attorney in favour of her husband Dalip Singh. On 24.6.2008 her husband executed an agreement to sell two shops for a sale consideration of Rs.12,00,000/- in favour of accused Dilawar Singh and received a sum of Rs.10,00,000/- as earnest money. The sale deed was to be executed on 24.6.2010. Since accused Dilawar Singh failed to execute the sale deed and also did not fulfill the terms and conditions of the agreement, he did not have any right to get the sale deed executed in his favour. It was further averred that in the months of November and December, 2010, the husband of the complainant was out of station and accused Dilawar Singh and Smt. Banesh Devi knew about the same. In the absence of husband of the complainant, accused Dilawar Singh and Smt. Banesh Devi came to her house and pressurised her to get the sale deed executed and when the complainant refused to do so, the two accused threatened her with dire consequences and lodging of false case against her. At that time, accused Manphul and Rajender were present outside her house. Both Dilawar Singh and Smt. Banesh Devi, in connivance with Manphul and Rajender took the complainant to the office of the Sub Registrar where her signatures were obtained on the sale deed by stating that the sale deed was in terms of the agreement dated 24.6.2008. However, later on, she came to know that the sale deed executed by her was not of the property mentioned in the agreement dated 24.6.2008 but was of a separate property. She reported the matter to the police but no action was taken against the accused.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that the dispute

between the parties was purely of civil nature and in regard to the facts stated in the complaint, the complainant has already availed of the said remedy. In the suit, which the complainant has filed, she would be leading evidence to establish that the sale deed executed by her was illegal, void and ineffective and in the event of her succeeding in the civil litigation, necessary relief can be granted to her. At the same time, from the allegations levelled in the complaint and the evidence examined by the complainant, no case is made out to hold that the accused were liable to be punished for committing the various offences for which they stood charged.

Resultantly, the application is without any merit and, therefore, dismissed. Special leave to appeal against the impugned judgment of acquittal is declined.

**( T.P.S. MANN )  
JUDGE**

**( RAMENDRA JAIN )  
JUDGE**

**January 14, 2016**  
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