

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-22807 of 2013 (O&M)
Date of Decision: February 10, 2016

Ajay Kumar Gupta and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sunil Chadha, Senior Advocate with
 Mr.Navjot Singh, Advocate
 for the petitioners.

Mr.Varun Sharma, Asstt, Advocate General, Punjab
 for the respondent-State.

Mr.A.P.S.Randhawa, Advocate
 for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Ram Singh for quashing of FIR No.118 dated 16.12.2011 registered with Police Station Chatti Wind, District Amritsar under Sections 420 and 120-B IPC as well as all the subsequent proceedings arising therefrom.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared, filed replies and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the reply filed by the State, challan in the present case has already been presented on 17.10.2012 and charges have

already been framed on 07.08.2013 and the trial is going on before the trial Court. It is also admitted at the time of arguments that trial is pending after framing of the charge. No revision has been filed against the charge-sheet by the present petitioner. Learned trial Court has already taken the cognizance in the present case.

I have gone through the FIR also. As per prosecution version, FIR has been registered on the application of Ram Singh complainant. According to Ram Singh, he has one plot measuring 1 kanal 12 marlas and regarding this plot, his chartered accountant Ajay Gupta got the sale deed executed in the name of Raghav Mehra. On 02.04.2011, as per the document, applicant Ram Singh executed an agreement to sell of his land measuring 1 kanal 12 marlas in favour of Raghav Mehra and received an amount of ₹5,60,000/- and the sale deed was to be executed on 02.05.2011. On 11.04.2011, Ram Singh executed a general power of attorney regarding afore-said land in favour of Ajay Gupta and that writing was witnessed by Bhupinder Kumar, Inderjit Singh and Raghav Mehra. On 11.04.2011 itself, Ram Singh executed Will regarding the aforesaid land measuring 1 kanal 12 marlas in favour of Ajay Gupta and that writing was witnessed by Bhupinder Kumar, Inderjit Singh and Raghav Mehra. It is also in the application that on 11.04.2011 itself, Ram Singh gave a receipt regarding receiving ₹4 lacs from Raghav Mehra and said receipt was witnessed by Ajay Gupta. Again on 11.04.2011, a receipt was written regarding selling the aforesaid land measuring 1 kanal 12 marlas to Ajay Gupta and regarding receiving the entire consideration and this

writing was witnessed by Raghav Mehra. On 13.04.2011, on the basis of the aforesaid power of attorney, Ajay Gupta executed sale deed of the aforesaid land in favour of Raghav Mehra.

In the reply by the State, it is submitted that Ajay Gupta in connivance with Raghav Mehra got signature of the complainant on the power of attorney as well as on receipt of ₹4 lacs under the pretext of loan papers. It is also held that the matter was enquired into by Deputy Superintendent of Police, Detective, Amritsar that the petitioners in connivance with each other, committed cheating with the complainant.

At this stage, in no way, it can be held that no offence is made out from the perusal of the FIR or the matter is of civil nature. As already discussed, charges have already been framed against the present petitioner and the trial Court has already taken the cognizance. Therefore, in the facts and circumstances of the present case and the fact that trial is going on before the trial Court, I do not find any ground to hold that registration of FIR in the present case, amounts to abuse of process of law or miscarriage of justice. The trial Court is to decide the case on the basis of evidence as to whether the documents were forged or cheating has been committed or not. At this stage, I do not find any ground to quash the FIR and the proceedings pending before the trial Court.

Therefore, finding no merit in the present petition, the same is dismissed.

February 10, 2016

Vgulati

VINEET GULATI
2016.03.09 14:19
I attest to the accuracy and
authenticity of this document
Chandigarh

**(INDERJIT SINGH)
JUDGE**