

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

CRM No.M-27548 of 2016 (O&M)

Date of Decision: August 10, 2016

Swaran Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jasminder Singh Thind, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the case FIR No.20 dated 19.03.2015 under Sections 467, 468, 471 and 420 IPC registered at Police Station Bariwala, District Sri Muktsar Sahib and all subsequent proceedings thereof.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that in this case, challan has not been presented so far. Investigation is still going on. Learned counsel for the petitioner argued that a false case has been registered against the present petitioner. He stated that petitioner has receipt with him taken from the original owner Chanan Singh and he can execute the sale deed. Learned counsel for the petitioner admitted that no agreement to sell has been

executed by Swaran Singh with Chanan Singh original owner nor the

petitioner was having any power of attorney of Chanan Singh with him.

Further, I find that the FIR has been got registered against Krishan Lal and Swaran Singh alleging fraud of ₹5 lacs and with the allegation that Swaran Singh was not the owner of the property. All these facts are to be seen by the Investigating Officer during the investigation. At this stage, in no way, it can be held that no offence is made out from the perusal of the FIR. At this stage, without any evidence and without investigation being completed, it cannot be held that the petitioner has been falsely implicated. These are the finding of facts, which are firstly to be seen by the Investigating Officer during investigation and if the Investigating Officer files the challan against the accused, then by the trial Court.

In view of the above discussion, I find that the present petition is premature at this stage. Therefore, the present petition stands dismissed.

However, nothing stated above, in any way, will constitute my opinion on the merits of the case.

August 10, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No