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

CRM-M-31570-2016

Date of decision-08.09.2016

Dhani Ram

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S.Toor, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of impugned FIR No.65 dated 03.05.2014 registered under Section 120-B of the Indian Penal Code (in short 'IPC') at Police Station Kurali, District S.A.S.Nagar (Mohali) qua the petitioner.

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab, accepts notice on behalf of the respondent-State. A complete copy of paper book has been supplied to her in the Court.

Heard.

It is contended that in the initial version, the name of the petitioner did not figure, however, on subsequent inquiry made by ACP, the petitioner was named in the FIR and accordingly, proceedings have been lodged against the petitioner.

It is further contended that in fact Diwan Chand got executed the sale deed in favour of the petitioner. The petitioner was not aware about the execution of the sale deed.

On the other hand, learned State counsel opposes the prayer made in the petition.

I have heard the learned counsel for the parties and perused the material placed on record.

The stand taken in the instant petition by the petitioner is that of feigning ignorance. The question of facts whether the petitioner was actually aware about the execution of sale deed or not cannot be decided in the instant petition as the same needs to be substantiated by the evidence.

After thorough investigation, carried out by the Deputy Superintendent of Police, Sub Division, Kharar. (Annexure P-3)- The name of the petitioner has emerged as the conspirator in committing fraud upon NRI Savdesh Kumar. This factual aspect of the matter shall be decided by the trial Court at appropriate stage.

Consequently, the instant petition is devoid of merits and is hereby dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of case.

However, respondent-State is directed to look into the complaint filed by the petitioner (Annexure P-4) and to take appropriate action as per law within a period of four weeks from the receipt of certified

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copy of the order.

(JITENDRA CHAUHAN)
JUDGE

September 08, 2016
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No