

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM No.M-35679 of 2014 (O&M)
Date of decision: February 11, 2016.

Rajinder Kaur

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Parveen Aggarwal, Dy. Advocate General, Haryana.

Mr. S.S. Virk, Advocate for respondent No.2.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Respondents No.3 and 4 not present despite service.

The petitioner seeks quashing of FIR No.210 dated 21.6.2014, registered under Sections 406, 420, 467, 468, 471, 506 IPC at Police Station Shahabad, District Kurukshetra.

It comes out that the complainant-respondent No.2 had moved a complaint before the learned Illaqa/Duty Magistrate, Kurukshetra wherein a request was made under Section 156(3) Cr.P.C. for registration of the case. As the Magistrate forwarded the same to the Police Station, the police registered the present FIR. In the FIR, it is alleged that accused entered into an agreement to sell

dated 1.12.2011 for selling a house measuring 8 marlas situated in Patti Jhabran, behind Lucky Colony, Shahabad, District Kurukshetra. Rs..10,00,000/- were paid as earnest money. The possession was not handed over. The sale deed was to be executed whenever the complainant was to ask for the same. It is alleged that later on when the complainant approached the accused and asked him to deliver the possession and execute the sale deed, after adopting delaying tactics, he has refused to do so.

I have heard Learned Counsel for the parties.

The bare reading of the FIR shows that it is a case where the vendor has allegedly refused to execute the sale deed. There is no element of cheating in the same. Therefore, from the plain reading of FIR, the complainant fails to make out any criminal intent on the part of the accused. It further comes out that on the same facts, the complainant has also lodged report No.127 dated 30.1.2014. The same was investigated by the police and it was found that the dispute is of civil nature. As from the facts mentioned in the FIR, this Court finds that the case is of civil nature, therefore, FIR No.210 dated 21.6.2014, registered under Sections 406, 420, 467, 468, 471, 506 IPC at Police Station Shahabad, District Kurukshetra, along with consequential proceedings stands quashed.

The petition is accordingly allowed.

February 11, 2016.

[**Kuldip Singh**]
Judge