

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

**CRM No. 27960 of 2015 &
CRM No. 23746 of 2013 in/&
CRM M-8627 of 2011 (O&M)**

Date of decision : 09.02.2016

Shivraj Singh

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Ankur Jain, AAG Punjab.

Mr. V.K. Thakur, Advocate for respondent no. 2

RAJAN GUPTA J.

Petitioner seeks quashing of FIR No. 239 dated 07.10.2010 registered under section 406/420/506 IPC at police station Nakodar, district Jalandhar.

Learned counsel for the petitioner asserts that FIR needs to be quashed as dispute is totally civil in nature. There was no intention on part of the accused to cheat the complainant at the inception of the transaction. Petitioner is even now ready to comply with the agreement. He has been unnecessarily dragged in the criminal litigation. Thus, FIR deserves to be quashed.

Prayer has been opposed by learned State counsel as well as counsel appearing for respondent no. 2. According to them, petitioner alongwith co-accused had cheated the complainant of a

sum of ₹1.32 crores. Thus, he is liable to be prosecuted for the offence.

I have heard learned counsel for the parties.

It appears that FIR was lodged on the basis of complaint made by one Ranjit Singh. He alleged that petitioner entered into agreement to sell 9 kanals of land situated in village Nakodar for a total consideration of ₹2.00 crores. A sum of ₹20.00 lacs was paid as earnest money and agreement to sell was reduced into writing. In the said agreement, petitioner stated that he was absolute owner of the property in question. He also agreed to raise construction in the said land for the storage of wheat. Thereafter petitioner and co-accused sought extension of time for abiding by the agreement. Finally, a date was fixed i.e. 15.09.2010 for execution of sale-deed. On verification, complainant found that petitioner was not the owner of 9 kanals of land as he had litigation with his brothers. This fact was concealed by him. Petitioner also agreed that he would sell entire land in the name of his mother to complainant's side but he sold the same to one of his relatives. He also executed an agreement to sell pertaining to 5 kanals 6 marlas of land to one Rajinder Kaur and executed the sale-deed. Petitioner in-conivance with his accomplices duped the complainant for a sum of ₹1.32 crores. On registration of FIR, investigation ensued. From the affidavit filed by Rajinder Singh, Deputy Superintendent of Police, Nakodar, it is evident that petitioner approached the court when challan had not been presented before the competent court. Investigating agency, however, found that there was substance in the allegation of the complainant. Petitioner without disclosing the

factum of litigation going on with his brothers had held out that he was absolute owner of the property in question. In lieu of agreement, he took ₹1.32 crores from the complainant party.

In view of nature of allegations, I am of the considered view that no case for interference in inherent jurisdiction is made out. The issue can be appreciated only after evidence is led before the trial court. In view of judgment of the Apex court in *Arun Bhandari vs. State of U.P. & ors. 2013(2) RCR (Criminal) 261*, civil and criminal proceedings can go on simultaneously in such matters. There is, thus, no merit in the petition. Same is dismissed.

CRM No. 27960 of 2015 &
CRM No. 23746 of 2013

As the main petition has been decided on merits, no order needs to be passed in these applications.

February 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE