

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

**CRM No.M-40663 of 2014 (O&M)
Date of Decision: November 29, 2016**

Paramvir Bhalla

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Naresh Jain, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana, for quashing of FIR No.299 dated 15.07.2014 under Sections 406 and 420 IPC registered at Police Station Sector-5, Panchkula.

It is only stated in the petition that no case is made out against the present petitioner.

Notice of motion was issued and learned State counsel appeared and contested the petition. Reply was also filed by the State.

In the reply, it is stated that during investigation, it is found that petitioner and co-accused Ravi Gupta in collusion with each other fraudulently prepared false agreement to sell dated 17.04.2013 with regard to plot No.386, whereas they were not the owner of the said plot and fraudulently induced the complainant to part with ₹1.6 crores with no

intention to execute the sale deed. It is also in the reply that petitioner has

cheated the complainant and along with co-accused Ravi Gupta, assured the complainant that the said plot has been sold to Ravi Gupta by the petitioner in view of the agreement to sell dated 17.04.2013 as General Power of Attorney of his mother whereas he was not holding any General Power of Attorney.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, I find that the present petitioner is not owner of the property. Rather, his mother was the owner of the property in question. The present petitioner executed agreement in favour of Ravi Gupta and Ravi Gupta had shown that agreement to the complainant and entered into agreement to sell with the complainant and received ₹1.6 crores as earnest money. During investigation, the connivance of present petitioner with Ravi Gupta has been found and challan has already been presented before the Court. At this stage, in no way, it can be held that no case is made out against the present petitioner nor it can be held that registration of the FIR against the present petitioner is abuse of process of law or amounts to miscarriage of justice. At this stage, no ground is made out for quashing the FIR.

Therefore, finding no merit in the present petition, the same is dismissed. However, the petitioner is at liberty to raise all the points before the trial Court at the time of framing of the charge or at any appropriate stage.

November 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No