

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

**CRM No. M-43188 of 2015 (O/M)
Date of decision : June 02, 2016**

Surender Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Ms. Supriya Arora, AAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

This is the petition for quashing of FIR No.388, dated 21.09.2015, under Section 406 IPC, registered at Police Station Beri, District Jhajjar.

I have heard learned counsel for the parties and have also carefully gone through the case file.

A perusal of the FIR shows that according to the complainant, his sons, namely, Inder Singh, Gambhir and Amrish gave ₹1,00,000/- each on interest to the father of the present petitioner-accused. It is stated that after the death of his father, the present petitioner undertook to repay the money but he started using delaying tactics. For the last 10 years, he has not returned the loan. A plain perusal of FIR shows that no offence under Section 406 IPC is made out. The case is of advancing loan on interest. The complainant is so desired to file recovery suit, subject to the law of limitation.

Accordingly, the present FIR No.388, dated 21.09.2015, under Section 406 IPC, registered Police Station Beri, District Jhajjar stands quashed.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

June 02, 2016
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