

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

**CRM No.M-5535 of 2015 (O&M)
Date of Decision: November 18, 2016**

Tirath Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajiv Joshi, Advocate
for the petitioner.

Mr.D.S.Virk, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Loveneet Thakur, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and Rajinder Singh, for quashing of FIR No.27 dated 20.01.2015 under Sections 420, 406 and 447 IPC registered at Police Station Sadar Ferozepur and all consequential proceeding arising thereof.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that as per allegations in the FIR, the

present petitioner has agreed to sell the land for ₹75 lacs and received ₹30

lacs as earnest money. As per the agreement, the possession was also delivered of that land. From the perusal of the jamabandi, the complainant came to know that the land could not be sold for about 20 years.

Learned counsel for the petitioner argued that no cheating is made out as the possession has already been delivered and a civil suit is already pending between the parties.

It is settled law that criminal proceedings as well as civil proceedings can go side by side. When the land could not be sold being allotted land etc. for 20 years, then making of promise to sell the land and receiving earnest money of a huge amount of ₹30 lacs, prima facie shows the commission of the offence. After investigation, challan has already been presented and charges have already been framed by the Court.

Furthermore, the trial Court has already taken the cognizance and the case is fixed for the prosecution evidence. The framing of the charge has not been challenged by way of revision etc. separately. In no way, it can be held that no case is made out. In no way, 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.

Therefore, finding no merit in the present petition, the same is dismissed.

November 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No