

In the High Court of Punjab and Haryana at Chandigarh

CR No. 2418 of 2017

Date of Decision: 22.11.2017

Devinder Singh and another

---Petitioners

versus

Babu Khan and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sherry K.Singla, Advocate
for the petitioners**

**Mr. S.K.Sharma, Advocate,
for respondent No. 1**

Rekha Mittal, J.

The present petition directs challenge against order dated 7.2.2017 (Annexure P-7) passed by the Civil judge (Junior Division), Malerkotla whereby application filed by the petitioners/defendants seeking dismissal of the suit having been rendered infructuous, has been dismissed.

Counsel for the petitioners, in line with the submissions made before the Court below, has submitted that as the respondent/plaintiff Babu Khan has received an amount of Rs. 7.5 lakhs deposited by the petitioners in compliance with order dated 5.11.2012 passed by this Court in Crl. Misc. No. M- 28532 of 2012, suit filed by the respondent/plaintiff for specific performance of the agreement to sell dated 30.8.2011 is liable to be dismissed having been rendered infructuous. It is further submitted that the

petitioners have filed a petition before this Court seeking quashing of FIR lodged by the respondent/plaintiff pertaining to the agreement in question (FIR No. 67 dated 3.8.2012 under Sections 420 and 467 IPC registered at Police Station Amargarh, District Sangrur) and the said petition is pending adjudication before this Court, proceedings in the civil suit filed by the respondent/plaintiff on the basis of the very same agreement should not be allowed to proceed.

Counsel representing respondent No. 1/plaintiff, on the other hand, would urge that this Court while disposing of plea of the petitioners for grant of bail in anticipation of arrest passed order Annexure P-5 whereby the petitioners were directed to pay a sum of Rs. 7.5 lakhs to the plaintiff within a period of one month but subject to the observation that the said amount will be adjusted while determining the liability, if any, of the petitioners. It is further argued that the aforesaid order was passed by this Court without any concession being recorded by the respondent/plaintiff to settle the dispute under any terms whatever.

I have heard counsel for the parties and perused the paper book particularly various annexures but find that the petition is devoid of merit and liable to be rejected.

Be that as it may, there cannot be any dispute about the settled position in law that criminal and civil proceedings are to be decided by the Court on the basis of evidence to be adduced by the parties in support of their respective contentions. The judgment of the criminal court is not binding upon the civil court for any purpose whatever. The mere fact that the petitioners in compliance with order dated 5.11.2012 passed by this

Court paid Rs. 7.5 lakhs to the respondent while deciding plea of the petitioners for grant of pre arrest bail is not all sufficient to accept their contention that civil suit filed by the respondent/plaintiff has been rendered infructuous and liable to be dismissed. The second submission made by counsel for the petitioners that proceedings before the civil court should be stayed pending decision of the quashing petition is misconceived and liable to be rejected.

No other point has been raised.

For the foregoing reasons, the petition fails and is accordingly dismissed leaving the parties to bear their own costs. However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

22.11.2017

PARAMJIT