

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

**CRM No.M-10224 of 2017
Decided on: 06.11.2017**

Seema Verma

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jagdeep Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Vikram Singh, Advocate
for respondents No.2 and 3.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of the order dated 02.02.2017 (Annexure P3) passed by the Additional Sessions Judge, Panipat in FIR No.1302 dated 28.09.2014 vide which, the revision filed against an order dated 02.11.2015 passed by the trial Court framing charges under Section 420 read with Section 34 of the Indian Penal Code (in short 'IPC') was partly allowed by remanding the case and the trial Court was directed to pass a fresh order.

Counsel for the petitioner has further submitted that dispute is with regard to identity of House No.41/3 whereas the accused/revisionist have been charge-sheeted for cheating with regard to House No.42/3.

The Revisional Court has passed the following order:-

“9. The revisionists-accused have filed the present revision petition against the order dated

02.11.2015, vide which they have been charge-sheeted for the offence punishable under Sections 420, 34 of IPC. In the instant case, FIR was lodged on the complaint moved by complainant Seema Verma, vide which she has averred that in the year 1999, she has purchased a house bearing no.42/3, Subhash Bazar, Panipat from accused Neelam Rani. Photocopy of the sale deed dated 07.09.1999 is available on the file and perusal of the same shows that accused Neelam Rani resident of House No.42/3, Subhash Bazar, Panipat, has sold the house bearing No.41/3, Subhash Bazar, Panipat, to complainant Seema. Moreover, as per the documents regarding loan, the accused persons allegedly took the loan on house No.41/3, Subhash Bazar, Panipat. However, as per the allegations, the accused persons took the loan on house No.42/3, Subash Bazar, Panipat. Perusal of the charge-sheet dated 02.11.2015 shows that the accused-revisionists have been charge-sheeted for cheating with regard to house No.42/3. As such, there are contradictions in the house numbers. Thus, the order dated 02.11.2015 is not sustainable in the eyes of law. Hence, the present revision petition stands allowed thereby setting-aside the impugned order dated 02.11.2015. Learned trial Court is directed to give fresh finding after perusing the entire record.

10. *Nothing in this order shall be deemed to be formal expression of opinion on the merits of the case.*

11. *The parties through their counsel are directed to appear before the trial Court on 09.02.2017 for further proceedings in accordance with law. Copy of the judgment be sent to learned trial Court along with record of the lower Court. File be consigned to the record room, after due compliance.”*

After hearing counsel for the parties, I find no merit in the present petition. The Revisional Court has remanded the case back with

a direction to the trial Court to re-frame the charge-sheet after perusing the complaint and evidence/documents on record, after recording finding whether the dispute relates to House No.41/3 or 42/3.

In view of the above, no further action is required and the petition is disposed of. However, it will be open for the petitioner to raise all his pleas before the trial Court at the time of passing of an order in pursuance to the impugned order dated 02.02.2017.

(ARVIND SINGH SANGWAN)
JUDGE

06.11.2017
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No