

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

CRM-M-17641 of 2016.

Decided on:-03.08.2017.

Nafe Singh.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Sandeep Goyat, Advocate
for respondent No.2.

HARI PAL VERMA, J.(ORAL)

Petitioner Nafe Singh son of Chabil Das, resident of village Muklan, Tehsil and District Hisar has filed the present petition under Section 482 Cr.P.C. seeking quashing of FIR No.249 dated 24.03.2015 under Sections 420, 406, 468, 471, 506 and 120-B IPC registered at Police Station Hisar Sadar, District Hisar (Annexure P-2).

Learned counsel for the petitioner has argued that the petitioner is a Government employee in a Cooperative Bank and presently posted at village Salahawas, Tehsil Jhajjar. In the month of April, 2014, his brother Dilbag Rai had executed a sale deed dated 17.04.2014 for a plot measuring 138 square yards in favour of complainant Chanderkalan. The allegation made in the FIR is that the petitioner has cheated complainant Chanderkalan.

However, subsequently, it was noticed that the said plot was already sold by the father of petitioner Nafe Singh and the co-accused Dilbag Rai. The respondent-complainant, therefore, had lodged an FIR on the allegation that the plot was already sold by the accused, but the same has further been sold to the complainant by Dilbag Rai. The petitioner was also arrayed as an accused on the ground that it was the petitioner, who introduced the complainant with Dilbag Rai.

He has further argued that the allegation against the petitioner is that the agreement to purchase the plot was entered in the presence of Dalbir Soni son of Munshi Ram and Nand Kishore son of Raj Kumar Soni, resident of village Muklan. Even Dalbir Soni had executed an affidavit dated 16.05.2016 (Annexure P-3) to state that in the month of March/April, 2014, Chanderkalan had purchased some land situated in village Muklan from Dilbag Rai son of Chabil Dass for a consideration of Rs.4 lakhs and the payment of the same was given to Dilbag Rai. The petitioner, namely, Nafe Singh son of Chabil Das has no concern with the land for which sale deed was executed in favour of complainant Chanderkalan.

He has further referred to the affidavit dated 28.04.2015 (Annexure P-4) executed by complainant-respondent No.2 Chanderkalan herself to state that Dilbag, Geeta and Santosh had executed a sale deed in her favour on 17.04.2014 and the petitioner had not executed the same. She has enquired from her own sources that the accused person by mistake had executed this sale deed and the accused have not committed any cheating with her and the money has been returned back to her. She has no grudge against the accused.

Interestingly, the affidavit dated 28.04.2015 (Annexure P-4) executed by respondent No.2-complainant has duly been attested by the Executive Magistrate, Hisar and Mr. Mohit Mehta, Advocate (P/1486/1999) has verified the fact that he knows the deponent and she has appeared for her thumb impressions in his presence. The said affidavit has duly been photographed.

Faced with the aforesaid situation, learned counsel for respondent No.2-complainant states that he has no objection in case the FIR in question is quashed viz. a viz. the petitioner.

Learned State counsel has filed reply by way of affidavit of Bhagwan Dass, HPS, DSP (Headquarter), Hisar on behalf of respondent No.1, which is taken on record.

Having considered the arguments of learned counsel for the parties and noticing the fact that respondent No.2-complainant Chanderkalan has herself has executed an affidavit dated 28.04.2015 (Annexure P-4) duly attested by the Executive Magistrate, Hisar and the same has also been verified by Mr. Mohit Mehta, Advocate, this Court finds that the FIR in question qua the petitioner deserves to be quashed. Even Dalbir Soni, in whose presence the agreement was entered for a consideration of Rs.4 lakhs, has also supported the petitioner by way of an affidavit dated 16.05.2016 (Annexure P-3) that the petitioner has no concern with the sale deed executed in favour of respondent No.2 Chanderkalan.

Accordingly, the present petition is allowed and the FIR No.249 dated 24.03.2015 under Sections 420, 406, 468, 471, 506 and 120-B IPC

registered at Police Station Hisar Sadar, District Hisar (Annexure P-2) and all consequential proceedings arising therefrom are quashed qua the petitioner.

August 03, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No