

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

**Crl. Misc. No.M-1810 of 2017 (O&M)
Date of Decision: January 20, 2017**

Beer Sen

.....PETITIONER(s).

VERSUS

Sumer Singh and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Gupta, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

The case of petitioner-complainant, in brief, is that he entered into an agreement to purchase land of Satpal on 27.09.2005 for a total consideration of ₹45,58,125/-. The sale deed was to be executed and registered by 01.05.2006. Petitioner-complainant paid ₹5 lacs as earnest money to the vendor. Against the respondents, the allegations levelled by the complainant are that respondent No.1 entered into an agreement dated 15.07.2005 qua the same land in connivance with Satpal in his favour while respondents No.2 and 3 were witnesses to that agreement.

Against the framing of charge, respondents filed revision petition, which was allowed by Additional Sessions Judge, Faridabad with the observation that it is a civil matter and no offence under Section 420

IPC is made out against the respondents.

Learned counsel for the petitioner has argued that respondent No.1 is brother-in-law of Satpal, as such, was aware of his earlier agreement with the complainant. He has fabricated the agreement only to help Satpal to escape the agreement dated 27.09.2005 entered with the complainant. So far as the role of respondents No.2 and 3 are concerned, they are witnesses to the agreement and no personal knowledge of the transaction is excepted from the witnesses.

Agreement dated 15.07.2005 is not a forged document. As per complainant, it was created by Satpal, who is facing trial. Civil litigation is already pending in this regard. Respondents No.2 and 3 are witnesses of agreement, who have not attested any wrong fact or person.

In these facts and circumstances, I find no reason to differ with the view taken by the first Appellate Court, calling for any interference in order under revision.

This petition has no merits.

Dismissed.

January 20, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No