

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-25033 of 2017

.....

Date of decision:14.7.2017

Jaswinder Singh Riar

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sanjeev K. Virk, Advocate for the petitioner.

.....

Inderjit Singh, J.

This criminal miscellaneous petition has been filed by petitioner under Section 482 Cr.P.C. for quashing of FIR No.173 dated 6.9.2016 registered for the offences under Sections 406 and 420 IPC at Police Station City Kharar, District S.A.S. Nagar (Mohali).

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan has not been presented by the Police so far and investigation is going on. The complaint was made by the complainant-Sham Lal against the present petitioner for cheating, fraud, breach of trust, misrepresentation and for extending threats to life of the complainant. As per the FIR an agreement to sell has been entered into by the present petitioner with the complainant and received ₹21,06,000/- as earnest money but the petitioner was not the owner of the property. The case of the petitioner is that he had entered into the agreement to sell with

the original owners. There are also allegations that this fact has not been brought to the notice of the complainant and a fraud has been played upon him. It is also in the FIR that there are so many complaints pending against the accused person as he is in the habit of playing fraud and cheating with the innocent persons under the name of property dealer. In no way, from the perusal of the record, it can be held that the case is of civil nature. Till now the petitioner has neither got registered the sale deed nor has refunded the money nor any document has been shown that he has purchased the property from the real owner. The investigation is already in progress. In no way, at this stage, it can be held that the registration of the FIR by the complainant is abuse of the process of law or amounts to miscarriage of justice nor it can be held that no offence is made out.

Therefore, from the above, I do not find any ground to quash the FIR. Hence, finding no merit in this petition, the same is dismissed.

July 14, 2017.

(Inderjit Singh)
Judge

hsp

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