

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

**CRM No.M-29529 of 2015 (O&M)
Date of Decision: November 01, 2017**

Satish Kumar Kalia and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurcharan Dass, Advocate
for the petitioners.

Mr.K.S.Aulakh, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Nitesh Singhi, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Manohar Lal for quashing the FIR No.86 dated 02.05.2015 under Sections 420 and 120-B IPC registered at Police Station Division No.4, Ludhiana City and all subsequent proceedings taken on the basis of FIR.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the FIR has been got registered by

Manohar Lal complainant by filing application. It is stated in the FIR that accused No.1 is owner of one plot measuring 81 sq. yards. On the inducement of accused, the complainant wanted to purchase this property and the deal was struck between them for a total sum of ₹71,51,000/- regarding which, an agreement to sell was reduced into writing on 21.06.2014 and ₹10 lakhs was paid as earnest money to both the accused. Satish Kumar Kalia signed the agreement as seller and Gaurav Kalia signed as witness. The balance amount of ₹5 lakhs was agreed to be paid on 23.06.2014 and remaining amount was settled to be paid at the time of registration of sale deed on 21.09.2014. ₹5 lakhs was paid on 23.06.2014. The complainant appeared in the office of Sub-Registrar on 22.09.2014 along with balance sale consideration but the accused did not come present to execute the sale deed. It is stated that accused persons in a pre-planned conspiracy, from the very beginning with an intention to cheat the complainant, instigated him firstly to get the property purchased and received sum of ₹15 lakhs from him and did not execute sale deed in his favour and they have cheated him and misappropriated the amount.

The perusal of the FIR itself shows that there is nothing to show that the intention of the petitioners was to cheat the complainant from the very beginning. At the most, it is a case regarding breach of agreement and is of civil nature. No offence is made out. Furthermore, learned counsel for the petitioner has placed on record two orders passed by the civil Court dated 21.04.2017 and 19.05.2017. The order dated 21.04.2017 shows that plaintiff Manohar Lal was directed to bring the balance sale consideration and defendant was directed to come with the title deeds so that agreement in

for exploring further chances of compromise. Copy of order dated 19.05.2017 passed in the civil suit further shows that plaintiff failed to comply with the order of the Court and in spite of directions of giving the balance sale consideration, he has given statements regarding the dispute between the defendant and his wife. The Civil court was of the view that when the title deeds of the defendant are clear, this attitude and conduct of the plaintiff is not in parlance of conduct of common prudent man. These orders further show that there was no intention of the petitioners to cheat the complainant, rather, they are ready to execute the sale deed, which is clear from the proceedings of the civil Court.

In view of the above discussion, I find that registration of the FIR in the present case is nothing but abuse of process of law.

Therefore, finding merit in the present petition, the same is allowed. FIR No.86 dated 02.05.2015 under Sections 420 and 120-B IPC registered at Police Station Division No.4, Ludhiana City and all subsequent proceedings arising therefrom, are hereby quashed.

November 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No