

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

Sr. No.119+241

CRM-M No.35393 of 2013 (O&M)

Date of decision: 14.02.2017

Avtar Singh and others

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Suvir Sidhu, Advocate and
Mr. M.P. Goswami, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Gaurav Sharma, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

CRM No.4622 of 2017

Through the present application, a copy of complaint dated
25.11.2010 is sought to be placed on the record as Annexure R-2/1.

Allowed as prayed for.

CRM stands disposed of.

CRM-M No.35393 of 2013

Through the present petition filed under Section 482 of the
Code of Criminal Procedure, 1973 (for short the 'Code'), the petitioners seek
quashing of FIR No.01 dated 08.03.2013, registered under Sections 420,

406, 120-B IPC, at Police Station N.R.I., Kapurthala, District Kapurthala.

As per the FIR on a complaint received from one Harneet Singh, the Senior Superintendent of Police, Kapurthala, constituted a Special Investigating Team on the recommendations of which FIR under Sections 420, 406, 120-B IPC was registered against the petitioners and their co-accused. The matter was then investigated which revealed that petitioner-Avtar Singh had executed an agreement to sell land measuring 7 acre to the complainant-Harneet Singh. The agreed sale price was ₹4 crores, out of which ₹2 crores were paid by the complainant in cash and the balance amount was paid through eight cheques. These cheques were dishonoured and therefore, the complainant deposited the balance ₹2 crores 5 lacs in the Bank accounts of petitioner-Avtar Singh. Investigations further revealed that petitioner-Sohan Singh sold land measuring 2 acres 19 marlas out of the 7 acres already agreed to have been sold to the complainant-Harneet Singh to Sant Dev, Inderpal Singh and Tarlok Singh. After having accepted the entire amount of over ₹4 crores, petitioner-Avtar Singh, in spite of repeated requests by the complainant neither returned the money to him nor got the land registered in his name. After concluding the investigation the prosecution filed report under Section 173 of the Code implicating petitioners No.1 and 2. However, the trial against the petitioners could not proceed as they chose not to appear before the trial Court. Their wilful non-appearance before the trial Court, through order dated 25.11.2014, resulted in their declaration as proclaimed offenders. It is not disputed that even after the passage of over two years of their having been declared as proclaimed offenders, petitioners No.1 and 2 have failed to

join the proceedings before the trial Court.

Having heard counsel for the parties, I am of the opinion that the petition must fail.

The investigation done in pursuance to the FIR reveals specific allegations of cheating by the petitioners. Over ₹4 crores was paid by the complainant but after accepting the same petitioner No.1 refused to get executed the sale deed as also on demand refused to return the complainant's money. Petitioner No.2 sold a part of the land which had been agreed to be sold to the complainant to some other party in order to cheat the complainant.

In view of the above specific allegations against the petitioners, no case for quashing of the FIR is made out.

Even otherwise, way back on 25.11.2014, petitioners No.1 and 2 were declared as proclaimed offenders. Even after the passage of over two years thereafter, they have not joined the proceedings before the trial Court. For this reason also I am not inclined to exercise my powers under Section 482 of the Code at their instance.

Dismissed.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 14, 2017

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(i) Whether speaking/reasoned	Yes/No
(ii) Whether reportable	Yes/No