

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

CRM No.M-5545 of 2010 (O&M)

Date of Decision: April 17, 2017

Akash Deep Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Veneet Sharma, Advocate,
for the petitioners.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Anil Chawla, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Ramnik Kumar for quashing the FIR No.516 dated 13.12.2007 under Sections 420, 406 and 120-B IPC registered at Police Station Sadar Vijay Nagar, Amritsar and all consequential proceedings arising therefrom.

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 in the present case FIR has been

registered on the basis of the application sent to SSP, Amritsar by the complainant Ramnik Kumar, who stated that he entered into agreement to purchase one house bearing private No.100 length 53 feet breadth 25 feet total measuring 147 sq. yards, for a consideration of ₹10,30,000/- on 01.07.2005 and he paid a sum of ₹2 lakhs in cash to the above-said accused persons as earnest money. It is also in the FIR that sale deed was to be executed on 01.11.2007 but the accused persons with common intention and connivance with each other did not appear before the Tehsildar to register the sale deed whereas the complainant got marked his presence before the Tehsildar. It is further in the FIR that complainant approached the accused and requested to execute the sale deed but the accused flatly refused to register the sale deed. It is also in the FIR that complainant now had come to know that all the accused persons are selling the property to some other person and it is prayed that FIR under Sections 420, 406 and 120-B IPC be registered against the accused persons.

The perusal of the FIR itself shows that no offence is made out. At the most, it can be held as breach of agreement to sell and for that purpose, remedy lies before the Civil Court by way of civil suit. There is nothing in the FIR that there was any intention to cheat the complainant by the accused from the very beginning, which is one of the necessary ingredient of the offence under Section 420 IPC. From the perusal of the FIR itself, it cannot be held that any offence is made out. The registration of the FIR against the accused persons is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is

IPC registered at Police Station Sadar Vijay Nagar, Amritsar and all subsequent proceedings arising therefrom, are hereby quashed.

April 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No