

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

CRM-M No.10613 of 2017

Date of decision: 23.05.2018

Santosh and others

....Petitioners

Versus

Bhagwan

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepender Ahlawat, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 19.08.2015 (Annexure P1) passed by the trial Court vide which the petitioners have been charge-sheeted under Sections 420 and 120-B IPC in complaint case No.40 dated 14.03.2008 as well as the order dated 30.01.2017 (Annexure P4) passed by the Revisional Court, vide which the revision filed by the petitioners was also dismissed.

Counsel for the petitioners has submitted that on the same set of allegation, the complainant has also filed a civil suit praying for a decree of declaration and permanent injunction that the sale deed dated 24.01.2008 is illegal, null and void and not binding on his rights. Counsel for the petitioners has referred to para 16 of the judgment dated 13.05.2014 passed by the Civil Court whereby the suit of the plaintiff (complainant in the present case) was dismissed by observing that the suit was filed at a belated stage and the circumstances goes to show mala fide on the part of the plaintiff. It is further argued that the judgment dated 13.05.2014 has been upheld by the Appellate Court vide judgment dated 16.02.2016.

In view of the above, this petition is disposed of with liberty to the petitioners to move an application for discharge before the trial Court in view of the finding recorded by the Civil Court. If an application is filed within a period of 15 days, the same will be disposed of expeditiously within a period of 04 months, from the date of its filing.

(ARVIND SINGH SANGWAN)
JUDGE

23.05.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No