

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11465-2017 (O&M)
Date of Decision:-16.10.2018.

Rajesh Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Inderjit Singh Panesar, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. R.S. Bajiyani, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for quashing of FIR No.55 dated 17.05.2016 under Sections 420 and 406 IPC, registered at Police Station Division No.2, District Pathankot as well as other consequential proceedings arising therefrom.

2.) Allegation against the petitioner is that he has cheated the complainant Pardeep Kumar.

3.) Learned counsel for the petitioner vehemently contended that cheating issue is arising out of sale consideration relating to truck bearing No.HP-68/0845 Model 2004, Make Tata in favour of the complainant-respondent No.2. Such a transaction took place on 24.11.2006.

Complainant did not get transfer the truck in his name. When things stood

thus, the aforesaid truck was missing. In that regard, FIR No.209 dated

27.12.2008 was registered. Thereafter, claim proceedings were proceeded for that purpose. Having regard to the fact that truck was not transferred in the name of the complainant, petitioner proceeded to make a claim as owner as the truck stands in the name of the petitioner and claim of Rs.4,70,306/- was received by him. Claim amount has not been given to the complainant. Thus, complainant filed FIR. However, petitioner denied the execution of agreement with the complainant.

4.) On the other hand, learned counsel for the respondent submitted that there was registered agreement between the petitioner and respondent No.2 and despite the repeated request, petitioner paid nothing to him and cheated him. Therefore, there is no ground to interfere with the FIR.

5.) Perusal of affidavit and agreement dated 24.11.2006, it is evident that petitioner himself has admitted to the extent of full and final settlement relating to sale of the aforesaid truck between the petitioner and complainant. Having regard to the affidavit, it is evident that petitioner cannot contend that FIR registered for cheating the complainant is not maintainable is untenable in view of the affidavit dated 24.11.2006. Thus, petitioner has not made out a prima facie case to quash the FIR No.55 dated 17.05.2016 (Annexure P-1).

6.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

October 16, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.