

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19097-2018

Date of decision: 07.05.2018

Jasbir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of direction to respondents No.2 & 3 to take appropriate action on the representation dated 26.07.2017 (Annexure P-4).

Learned counsel for the petitioner submits that vide agreement dated 30.04.2013 and subsequent agreement dated 05.02.2015, respondents No.4 to 6 have agreed to sell the property and had obtained the earnest money. It is further submitted that later on, the petitioner came to know that prior to entering into agreement to sell, respondents No.4 to 6 had already mortgaged the property with UCO Bank, Panchkula Branch and had obtained a huge amount. Thereafter, respondents No.4 to 6 were declared defaulters and the bank has repossessed the property. Counsel for the petitioner thus submits that respondents No.4 to 6 have induced the

petitioner to part away with huge amount of earnest money by concealing the fact that proposed property is already mortgaged with the bank.

Learned counsel for the petitioner restricts his arguments to the extent that a direction be issued to respondents No.2 & 3 to decide the aforesaid representation (Annexure P-4) in the light of judgment of the Hon'ble Supreme Court in **Lalita Kumari Vs. Govt. of U.P. and others, 2013 (4) RCR (Cr1.) 979.**

After hearing learned counsel for the petitioner, this petition is disposed of with a direction to respondents No.2 & 3 to dispose of the representation (Annexure P-4) in the light of observations given by the Hon'ble Supreme Court in **Lalita Kumari's** case (supra). In case any information discloses the commission of offence, appropriate action be taken and in case the representation does not disclose any cognizable offence, after conducting the preliminary inquiry, the decision be communicated to the petitioner.

[**ARVIND SINGH SANGWAN**]
JUDGE

07.05.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No