

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

CRM-M-2598-2018 (O&M)

Date of Decision:- 14.12.2018

Dharminder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioners.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

This petition had been filed seeking issuance of directions to respondents No.2 and 3 to get a fair inquiry conducted into the representation (Annexure P-2) submitted by petitioner No.2 and also for protection of their life and liberty.

Petitioner No.1/Dharminder Singh is stated to be residing in Saudi Arab; petitioners No.2 and 3 are his parents i.e. Nasib Kaur aged 70 years and Gurnam Singh aged 77 years. It is case of the petitioners that petitioner No.1 had entered into an agreement for sale of his property with respondent No.5, who is son of Ex-DGP, Punjab, in respect of his land measuring 8 bighas and 11 biswas, situated in Village Bhadal Thuha, Fatehgarh Sahib vide agreement dated 1.3.2013 @ ₹44,65,000/- per acre.

It is stated that at the time of agreement, petitioner No.1/Dharminder Singh received an amount of ₹20 lacs, as earnest money on 1.3.2013 from respondent No.5 and the date of execution and registration of the sale deed was fixed for 30.11.2013 and before the date of execution of sale deed, respondent No.5 has also paid ₹5 lacs as per the terms and conditions of the agreement.

It is further case of the petitioners that since the date nominated for getting the sale deed registered i.e. 30.11.2013 was a Saturday, therefore, the petitioners after informing respondent No.5 went to Office of Registrar, Amloh on 3.12.2013 and marked his presence before the Tehsildar but respondent No.5 did not turn up. It is further stated therein that thereafter petitioner No.1 issued a legal notice so as to afford another opportunity to respondent No.5 to come forward for getting the sale deed registered but despite the same, respondent No.5 did not turn up.

The petitioners have asserted that subsequently respondent No.5, in connivance with respondents No.3 and 4 wanted to convert the aforesaid civil matter into the criminal matter and regarding which the petitioner's mother submitted a representation dated 8.1.2018 (Annexure P-2) but no action was taken thereupon as respondent No.3 is helping respondent No.5 and has been pressurizing the petitioners to effect a compromise.

Vide order dated 22.1.2018, this Court had directed the Senior Superintendent of Police, District Fatehgarh Sahib to look into the matter and to file a status report with regard to the allegations levelled by the petitioners.

A status report by way of affidavit of Ms. Alka Meena, IPS, Senior Superintendent of Police, District Fatehgarh Sahib had been filed wherein it has been deposed that the representation (Annexure P-2) submitted by petitioner No.2 as well as representation dated 5.1.2018 submitted by respondent No.5 was inquired into by the police and upon inquiry, it has been found that the matter was of civil nature and that no police action is warranted thereupon and that the parties can take up the matter in Civil Court and that the Inquiry Officer had recommended that the representations be filed.

Learned State counsel, upon instructions from HC Gurbhej Singh has today informed that both the aforesaid representations have been filed on 26.3.2018.

In view of the aforestated position, this Court does not find that any further direction is required to be issued. The petition, as such, is dismissed. However, in case respondent No.5 takes up this issue again on the basis of agreement dated 1.3.2013, it shall be open to the petitioners to approach this Court again.

December 14, 2018

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No