

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38846-2016 (O&M)
Date of Decision:-17.09.2018.

Bawa Kapoor

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Adarsh Jain, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

Mr. Vishwajeet, Advocate for the the
complainant/respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In this petition, petitioner has sought for quashing of the FIR No.328 dated 22.09.2016 (Annexure P-1) under Sections 406/420 IPC, registered at Police Station Kundli District Sonapat, under the provisions of Section 482 Cr.P.C.

2.) The allegation against the petitioner is that there was a transaction between the complainant and the petitioner in respect of certain land (property) deal wherein petitioner is stated to have cheated the complainant in not giving the entire commission as agreed by him.

3.) Learned counsel for the petitioner submitted that the allegations made are not attracted any criminal action. At the best it is only recovery proceedings.

4.) It is undisputed that investigation is yet to be completed. In the meanwhile, an interim order has been obtained in the present petition to the extent of stay of further proceedings pursuant to the FIR. Supreme Court in the case of **State of Tamil Nadu Vs. S. Martin Etc. 2018 (3) JT 605** has held that entertaining petition under Section 482 Cr.P.C. in respect of FIR (quashing) before completion of investigation is impermissible. Nature of the allegations are required to be examined in the investigation. In the present case, investigation is still incomplete and it is necessary to provide some time to conclude the investigation and gather proof of petitioner's involvement to the police. In view of the aforesaid decision cited supra, present petitioner has not made out a case so as to interfere with the FIR.

5.) Accordingly, petition stands dismissed. Reserving liberty to the petitioner to approach as and when investigation is completed.

(P.B. BAJANTHRI)
JUDGE

September 17, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.