

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

CRM-M No.39523 of 2016

Date of Decision: May 02, 2018

Manju Kapoor

..... Petitioner

Versus

State of Punjab & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rohit Verma, Advocate for the Petitioner.

Mr. Luvinder Sofat, AAG Punjab for Respondent No.1-State.

Mr. Arshdeep Singh Sra, Advocate for Respondent No.2.

Mr. Kamal Narula, Advocate for Respondent No.3.

SUDIP AHLUWALIA, J.

In this petition, the petitioner who is an accused in F.I.R. No.226 dated 31.12.2012, under Section 406, later on added Section 420 of the Indian Penal Code registered at Police Station Mataur, Tehsil and District S.A.S. Nagar (Mohali), has prayed for quashing of the same.

2. The substance of the allegations in the FIR is that the Petitioner and one Jarnail Singh Rana had entered into two Sale Agreements with the complainants Surjit Singh and Amarjit Singh on 18.8.2008 and 14.8.2008 respectively for sale of their land. The total consideration price was fixed at Rs.13,30,000/-, out of which an amount of Rs.7,10,000/- was paid to the vendors. Originally, the Sale Deeds were to be executed on 15.1.2009, but the time was subsequently extended to 6.1.2010. However, when the complainants went to the office of Sub Registrar, the registration of the Sale Deeds was declined on the ground that the land situated on the road could not be transferred. It transpires that the same had been acquired by the Government of Punjab vide Notification dated 10.8.2009 under Section 6 of the Land Acquisition Act, 1894. The complainants' side thereafter lodged the complaint, on the basis of which the FIR was drawn up in the year 2012.

3. The grounds on which such quashing has been sought, are mentioned as follows -

(i) That there is no material on record to show that the time for execution of Sale had been extended till 6.1.2010 as claimed by the complainants' side;

(ii) That in any event, the petitioner immediately after lodging of the FIR had compromised the matter by paying an amount of Rs.4 Lacs to the co-vendee Amarjit Singh, following which an application was filed in this Court for quashing of the same on the basis of such compromise. But the complainants' side thereafter backed out of the compromise after accepting the aforesaid amount from the Petitioner on behalf of both the vendees, which should not

be permitted.

4. After hearing both the sides and considering the reply filed on behalf of the State as also by Respondent No.2 Amarjit Singh, who had allegedly entered into compromise with the Petitioner, this Court finds that there are no grounds to quash the proceedings at this stage, particularly considering that actual trial has already progressed and even partial evidence has also been led from the prosecution side.

5. In his short reply by way of affidavit, the Respondent No.2 has categorically stated that the compromise relied upon by the Petitioner was only for himself and not binding upon the Respondent No.3, who was not a signatory to the same. It is no body's case that Respondent No.2 was holding any valid letter or Power of Attorney to enter into compromise on behalf of complainant Surjit Singh. In the circumstances, if at all he did so, such compromise would not be binding upon Surjit Singh and at best, the Respondent No.2 alone is liable to face appropriate consequences if the Petitioner's case is that she had been in any manner misled or cheated by Respondent Amarjit Singh into believing that he was compromising the matter on behalf of both the vendees. If so advised, the Petitioner may therefore, resort to appropriate action against Respondent Amarjit Singh in accordance with law, but the compromise entered into by her with the said Respondent cannot bind Respondent No.3 Surjit Singh.

6. The other contention that actually no extension of time till 6.1.2010 had been agreed between the parties for registration of the Sale is an issue of fact, which cannot be adjudicated upon by this Court in its

Revisional Jurisdiction, particularly when the trial is already in progress.

7. Consequently, there is no justification to quash the pending criminal proceedings, which are already at the trial stage.

Dismissed.

(SUDIP AHLUWALIA)
JUDGE

May 02, 2018
AS

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No