

In the High Court of Punjab & Haryana at Chandigarh.

Smriti
2018.04.20 11:57
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authenticity of this document

CRM-M-4727-2018

Date of decision: 17.04.2018

Dalbir

..... Petitioner.

VS.

State of Haryana and Ors.

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN,J.(ORAL)

Prayer in this petition is for transfer the investigation in FIR No. 0020 dated 07.02.2017 to some other independent agency.

Reply by way of affidavit of DSP, Siwani, on behalf of the respondents has been filed in Court today and the same is taken on record. As per this affidavit, the dispute between the parties is with regard to purchase of truck bearing registration No. HR61B-3098 for Rs. 5,55,000/- after obtaining a loan from a Finance company. It is further stated in the affidavit that the petitioner has purchased the truck from Dalbir son of Hawa Singh and on asking of Kothari Finance, the petitioner has handed over the truck in lieu of security of a loan of Rs. 2,55,000/-. Later on Kothari Finance and Shri Ram Finance Company, Delhi has filed a case for recovery of loan and the Arbitrator has passed the award in favour of the company and has further directed to auction the truck as per order dated 06.02.2017. Later, after issuance notice to the petitioner, the truck was auctioned for Rs.1, 80,000/-. It is further stated that during investigation, the allegations made in the FIR was found to be false as the matter related to a

civil dispute between the parties which is pending before the Court and, thereafter, no criminal offence is made out and the cancellation report has been prepared on 16.11.2017 and the same is pending with the higher authorities for approval and will be submitted before Illaqua Magistrate within 02 months.

In view of the same, this petition is rendered infructuous. However, liberty is granted to the petitioner to avail his remedy before the Illaqa Magistrate in case, the cancellation report is submitted.

Disposed of.

17.04.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No