

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

CRM No.M- 6338 of 2017

Date of Order: 15.01.2018

Smt Balwinder Kaur and Anr.

....Petitioners

Versus

State of Punjab and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. H.S. Thiara, Advocate and
Mr. Robert Kanwar, Advocate for the petitioners.

Mr. K.B. Raheja, Advocate for the complainant.

Ms. Samina Dhir, DAG, Punjab.

AMOL RATTAN SINGH, J (ORAL)

By this petition, the petitioners seek quashing of FIR No.223 dated 26.12.2015, registered at Police Station E-Division, Amritsar, alleging therein the commission of an offence punishable under Section 420 IPC.

The contention of the complainant (respondent No.2 in the petition) is that the petitioners having promised the complainant to pay him 30% of the profits of the Construction Company, however, did not honor that promise and even as per the compromise reached between them in the year 2011, they still owed him Rs.91 lacs.

With the reply filed by the State, Annexure R.2 has been appended, which is a copy of an agreement shown to be dated 28.10.2011, supporting the aforesaid contention of the

complainant. The photo copy of the agreement, in Gurmukhi, has also been produced in Court today by learned State counsel from the police file given to her by ASI Sarwan Singh of P.S E Division, Amritsar, present in Court to assist her.

Upon query to learned counsel for the petitioners as to whether any amount was paid ever thereafter after 2011, he submits that he cannot verify any such payment but the matter is wholly a civil one with no element of criminality in the form of cheating attached to it, which is something to be gone into by the Investigating Officer and finally by the trial Court if it comes to that stage.

Prima facie, with the agreement shown to be dated 28.10.2011 having been produced, with no money having been paid at all thereafter, it cannot be said with certainty that there was no element of cheating involved.

Consequently, this petition is dismissed. However, nothing stated hereinabove would be taken to be an opinion on actual merits by this Court, as regards the allegations against the petitioners, which would obviously to be gone into by the investigating agency and the trial Court, as the case may be, at the appropriate time.

January 15, 2018
manoj

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No