

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

CRM-M-7293-2018

Date of decision:-26.2.2018

Tarsem Singh

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Dr.Surya Parkash, Advocate
for the petitioner.

H.S. MADAAN, J.

This petition for quashing of FIR No.03 dated 15.1.2016 for an offence under Section 420 IPC, registered at Police Station Qadian, District Gurdaspur has been filed by petitioner Tarsem Singh, who is an accused in the said case.

Briefly stated, facts of the case are that the FIR was registered at the instance of complainant – Rakesh Kumar son of Tarlok Nath, resident of village Mallian, Tehsil and District Gurdaspur, who in his statement made to the police, which formed basis for registration of the FIR stated that he had entered into an agreement to sell with Tarsem Singh son of Arjan Singh, resident of Kalyanpur for the land measuring 40 Kanals for a sum of Rs.20 lakhs vide written agreement dated

18.8.2004 paying a sum of Rs.18 lakhs as earnest money; that final date for execution of sale deed was fixed as 29.5.2005; that on 29.5.2005, the complainant went to Sub Tehsil Dhariwal, but Tehsil was closed due to Sunday, as such a holiday; that on the next day i.e. on 30.5.2005, he got his presence marked there but Tarsem Singh under the preplanned conspiracy and in order to usurp Rs.18 lakhs did not appear; that later on, he (Tarsem Singh) neither executed the sale deed nor returned any money and subsequently the complainant came to know that accused had executed a sale deed regarding the same land to some other person. After registration of investigation, challan against the accused has been prepared and filed in the Court.

The petitioner/accused prays for quashing of the FIR for the reason that it is an abuse of process of law and petitioner had agreed to transfer his property to resolve the dispute of loan taken by him from the complainant. The dispute is of civil nature but FIR has been lodged as a pressure tactic.

However, after hearing learned counsel for the petitioner and going through the record, I find that no ground for quashing of FIR is there. At this stage, the Court is not to go into the merits of the case. A perusal of the FIR goes to show commission of cognizable offence against the petitioner/accused. No cogent and convincing material has been brought on record by the petitioner to show that the FIR is nothing but an abuse of process of law. The very fact that the investigating agency after registration of the FIR has filed challan against the accused goes to show that it found substance in the allegations levelled by the complainant against the petitioner/accused.

The petition being without merit stands dismissed accordingly.

26.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No