

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-809-MA-2012 (O&M)

Date of decision:25.01.2019

Jagan Singh

.....Applicant

versus

Shakuntla Devi

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Sushil Bhardwaj, Advocate for the applicant.

Ms. Kamlesh, Advocate for

Mr. Parminder Singh, Advocate for the respondent.

Kuldip Singh, J. (Oral)

This order shall dispose of the application filed under Section 378 (4) Cr.P.C. for grant of leave to appeal against acquittal dated 03.03.2011, passed by learned Judicial Magistrate, Ist Class, Karnal, vide which the accused-respondent was acquitted and the Criminal Complaint Case No.21/2009 filed by the applicant, was dismissed.

The allegations made in the complaint are that the accused entered into an agreement to sell with the complainant for Rs.3,61,400/-. An amount of Rs.1,50,000/- was paid by the complainant to accused as earnest money in installments. The sale deed was to be executed on 31.05.2002. However, before the date of sale, accused sold the land to accused Nos.2 to 5 on 11.04.2002.

I am of the view that from the facts of the case, no offence

registered under Section 420 of Indian Penal Code is made out. It is a case of breach of agreement which has been given the colour of criminal case. Copy of judgment on file shows that the applicant has already filed a suit for specific performance. Hence, there is no ground to grant leave to appeal and the same is dismissed.

(KULDIP SINGH)
JUDGE

25.01.2019
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No