

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

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**CRM-M-7238-2019 (O&M)
Decided on: 20.02.2019**

Harwinder Singh

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Balwinder Singh Chahal, Advocate
for the petitioners.

Rajbir Sehrawat, J. (Oral)

Prayer in the present petition is for issuance of directions to respondents No.2 to 3 to conduct the investigations expeditiously, fairly and properly on the applications dated 16.07.2018 (Annexure P-4) and 10.12.2018 (Annexure P-5), submitted by the petitioner to them and to take proper legal action against the accused persons by registering the FIR under relevant provisions as per law.

The allegations levelled in the present petition are that respondent No.4 had entered into an agreement to sell dated 12.03.2014 with the petitioner qua the land; including all the right appurtenant thereto, for an amount of Rs.19,50,000/-. Out of that sale consideration, the respondent No.4 had received an amount of Rs.10,00,000/- in the presence of the witnesses, as earnest money. The balance amount was to be paid at the time of execution of sale deed, which was fixed for 06.06.2014. The possession of the said land was also handed over to the petitioner. However, despite the petitioner remaining present in the O/o Sub-Registrar, respondent No.4, had not come present to execute the sale deed. Therefore,

the petitioner has been defrauded of an amount of Rs.10,00,000/-. He had sent the complaint to the Police. However, no action has been taken. Hence, the above said prayer to investigate the matter fairly is made.

Having heard learned counsel for the petitioner and on perusing the record, this Court finds that the matter is purely civil in nature. The petitioner had alternate remedy of filing the suit for specific performance to get the agreement enforced. Hence, this Court does not find the matter to be of the nature where the Court should interfere for getting the FIR registered against respondent No.4.

Hence, the present petition is dismissed. However, the petitioner shall be at liberty to avail any other alternate remedy, in accordance with law.

20.02.2019

hemlata

[RAJBIR SEHRAWAT]

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>