

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

CRM No.M-11102 of 2017 (O&M)

Date of Decision: March 13, 2019

Charan Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vikram Anand, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Viney Saini, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.10 dated 24.02.2016 under Sections 420 and 120-B IPC registered at Police Station Bholath, District Kapurthala and all subsequent proceedings arrived therefrom.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been got

registered by Gurmeet Kaur. As per FIR, Joginder Kaur entered into

agreement to sell a house with Charan Singh and took ₹4 lakhs. A civil suit was pending between Joginder Kaur and Charan Singh. Later on, a compromise was effected between them and Joginder Kaur agreed to sell the house for ₹10 lakhs, out of which, ₹4 lakhs was paid to Charan Singh and it was agreed that Charan Singh will withdraw the suit and possession of the house was delivered to complainant Gurmeet Kaur. It is further in the FIR that Charan Singh, instead of withdrawing the suit, continued with the suit and Joginder Kaur connived with Charan Singh and decree was passed in favour Charan Singh. It is also the prosecution version that Joginder Kaur and Charan Singh cheated the present complainant as on the basis of that decree, Charan Singh got sale deed of the property in dispute in his favour. There is no mention of any agreement to sell dated 22.01.2015 in that civil suit and the Court was kept in dark and thus, a fraud has been committed with the complainant.

As argued, after investigation, challan has already been presented and charges have been framed and the trial Court has taken the cognizance. At this stage, it cannot be held that no such compromise was effected between Joginder Kaur and Charan Singh or amount of ₹4 lakhs was not received by Charan Singh. At the time of arguments, learned counsel for the petitioner admitted the fact regarding the compromise but contended that ₹4 lakhs was not paid to the petitioner, whereas, learned counsel for the complainant contested this fact.

The finding of fact cannot be given in the quashing petition by this Court and the finding of fact is to be given by learned trial Court on the basis of evidence produced before it. At this stage, there is nothing to show

amounts to miscarriage of justice and no ground is made out for quashing the FIR.

Therefore, finding no merit in the present petition, the same is dismissed.

March 13, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No