

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

**CRM-M-20605-2018
Date of decision: 24.01.2019**

Shanti Devi

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Kalsy, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Gurcharan Dass, Advocate
for respondent Nos. 4 to 6.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to the official respondents to register a case/FIR against respondent Nos. 4 to 6, under Sections 420, 467, 468, 471 and 120-B of the IPC.

Learned counsel for the petitioner submits that the petitioner has purchased a plot measuring 100 Sq. yards in the year 1993 and the mutation was also sanctioned in favour of the petitioner. Thereafter, the petitioner has kept Satish Kumar (since deceased) as a tenant and since the petitioner was in the need of some money, on that account, Satish Kumar had taken the original sale deed from the petitioner and gave an amount of Rs. 35,000/- to the petitioner by arranging the same from Ashok Kumar (since deceased). Thereafter, the said tenant started harassing the petitioner and petitioner came to know that her property has been transferred in the name of a stranger and the private respondents by playing a fraud have

usurped her property. Thereafter, during the lifetime of Suresh Kumar, an inquiry was conducted and the police came to the conclusion that the matter is of purely civil nature.

Reply, by way of affidavit of Assistant Commissioner of Police (East), Ludhiana, has been filed in Court today and the same is taken on record. As per reply, it is stated that petitioner has already filed a civil suit against respondent Nos. 4 to 6 for declaring the sale deed dated 15.09.2000 as null & void and the matter is subjudice before the Civil Judge (Jr. Divn.), Ludhiana. It is further stated that as per the inquiry conducted by the police, the dispute between the petitioner and private respondents is purely of civil nature.

After hearing learned counsel for the parties, I find that the primary grievance of the petitioner is regarding sale deed dated 15.09.2000, qua which she has already filed a civil suit which is pending before the Civil Judge (Jr. Divn.), Ludhiana. The prayer in the civil suit is for setting aside the aforesaid sale deed, being an outcome of a fraud. Therefore, till any such finding is recorded by the Civil Court that the sale deed, which is a registered document, is an outcome of a fraud, primarily no offence is made out against the private respondents, at this stage.

In view of the above, this petition is dismissed.

January 24, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No