

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33743-2016

Date of decision: 05.04.2019

Sneh Lata

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of direction to respondents No.1 to 7 for registration of an FIR, on the basis of complaint made by the petitioner, against respondents No.8 & 9.

Learned counsel for the petitioner submits that though on the basis of complaint, Additional Deputy Commissioner of Police, Ludhiana, on 07.06.2016, had recommended to the Commissioner of Police, Ludhiana for registration of FIR, however, on the basis of an opinion given by the District Attorney (Legal) that a complaint under Section 138 of Negotiable Instruments Act as well as civil suit are pending, therefore, no case is made out for registration of FIR. Learned counsel has referred to the judgment dated 09.03.2018 passed by the Judicial Magistrate 1st Class, Chandigarh, in complaint No.4879/2015, filed by Sneh Lata against Surinder Kumar Dhir,

Anshul Dhir and Dhir Trading Co., under Section 138 of N.I. Act, in which a finding is recorded that neither signature of the purchaser nor the signature of seller are on the agreement, which indicates that the document Ex.DW1/1 i.e. alleged agreement to sell executed between the parties, is forged and fabricated document.

Learned counsel for the petitioner has also relied upon the order dated 13.07.2017 passed by the Civil Judge (Jr. Divn.), Ludhiana, in Civil Suit No.2982/2015, titled as Anshul Dhir Vs. Sneh Lata, wherein, while allowing an application under Order 7 Rule 11 CPC for rejection of the plaint, it is observed that the aforesaid agreement to sell dated 21.02.2015, on the face of it, is a unilateral document and there is no signature of defendant-Sneh Lata (present petitioner).

Learned State counsel, in reply, has submitted that in view of subsequent developments and the judgment/order of the Courts, the matter may be remitted back to the Commissioner of Police, Ludhiana for taking a fresh decision on the complaint of the petitioner.

In view of the above, this petition is disposed of with a direction to the Commissioner of Police, Ludhiana to take appropriate action afresh on the complaint of the petitioner within a period of 01 month from the date of receipt of certified copy of this order.

[ARVIND SINGH SANGWAN]
JUDGE

05.04.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No