

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

CRM-M-43361-2015 (O&M)

Date of decision : 13.11.2019

Ishwar Singh Fauji and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Daryal, Advocate for the petitioners.

Mr. Anmol Malik, AAG, Haryana alongwith
ASI Suresh Kumar.

ANIL KSHETARPAL, J. (ORAL)

Quashing of FIR No.1050 dated 21.10.2015 registered under Sections 406 and 506 of the Indian Penal Code at Police Station Hisar Sadar, District Hisar and subsequent proceedings have been sought by filing this petition under Section 482 Cr.P.C.

As per case of the prosecution, petitioners and first informant were in the business of sale and purchase of animals (buffaloes). It has been claimed that after purchasing of various animals (buffaloes) for an amount of ₹65,21,000/-, some amount has been paid and ₹35,92,200/- has not been paid.

Learned counsel for the petitioners contends that the dispute between the parties is only with regard to default in remaining payment of

sale consideration and, therefore, no criminal offence is made out.

In reply filed by the Deputy Superintendent of Police, facts as alleged are admitted. However, it has been stated that since balance sale amount has not been paid, therefore, offence under Sections 406, 506 IPC is made out.

In the considered view of this Court, once sale of animals (buffaloes) by the first informant to the petitioners is admitted and payment of ₹29,28,000/- out of total purchase price of ₹65,21,000/- is also admitted, non-payment of remaining amount does not give rise to any criminal offence as alleged. At the most, part of the sale consideration has not been paid. There are no allegations that on the day, petitioners purchased the buffaloes, petitioners had any intention to cheat or not to pay the purchased price.

In view thereof, FIR No.1050 dated 21.10.2015 registered under Sections 406 and 506 of the Indian Penal Code at Police Station Hisar Sadar, District Hisar and consequential proceedings arising therefrom are quashed.

In view of the above, the present petition is allowed.

13.11.2019

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No