

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

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CRM-M-43473-2017 (O&M)
Date of Decision : 27.3.2019

Manjeet Singh and another

...Petitioners

vs.

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. O.P.Kamboj, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.70 dated 10.6.2017 under Sections 420, 120-B IPC registered at Police Station Raja Sansi, Amritsar Rural and all other consequential proceedings arising therefrom.

As per the allegations of the complainants, the petitioner No.1 had agreed to sell his land measuring 7 Kanals 14 Marlas of land situated in village Harsa Chhina Uccha Kila, PS Rajasansi, Tehsil Ajanala District Amritsar and had obtained Rs.5 lakhs by way of earnest money. The target date for executing the sale deed was 10.4.2016. As per the complainants, they went to the registration office on the target date and got their presence marked but the petitioner No.1 did not turn up. As per the further allegations, the complainants requested the petitioner No.1 to execute their sale deed but the petitioner No.1 refused .

The precise contention of the learned counsel for the petitioner No.1 is that even if the contents of the FIR is accepted as true ,no offence is made out because there is not even allegation that at the time of executing the agreement to sell the petitioner No.1 had no intention to sell the property and he had entered into the agreement to sell only with a view to defraud the complainants.

Reply has been filed wherein the only thing which has been stated is that the petitioner No.1 refused to get the sale deed executed. Learned DAG on instructions from SI Agya Pal Singh is not in a position to show nowhere there is any allegation which may establish mens rea.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

27.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No