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

CRM-M-5945 of 2017

Date of decision: November 27, 2019

Rakesh Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioners.
Mr. H.S. Multani, AAG Punjab.
Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0068 dated 07.10.2016, under Sections 420, 406, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station Division No.1, Pathankot, District Pathankot.

As per prosecution case, respondent No.2-complainant lodged the above FIR against the petitioners, with the allegations that she was taken before the office of Sub-Registrar, Pathankot for execution of mortgage deed, but as a matter of fact, petitioner No.2 in connivance with her daughter, namely Madhu Bala, got executed a sale-deed dated 12.12.2014 in her favour regarding land measuring 8 Kanal; thus, committed a fraud with the complainant.

Although, it is averred in the present petition that the sale-deed was executed after receiving total consideration of ₹13 lakhs, thereafter mutation was sanctioned and even the civil suit is also pending at the instance of complainant-respondent No.2 regarding the land in question; therefore, the present FIR has been lodged just to put pressure with an ill motive.

Be that as it may, undisputedly after investigation of the matter report under Section 173 of Cr.P.C. has already been submitted;

and after consideration of the same, even charges were also framed against the petitioners and now the case is pending for recording the prosecution evidence on 09.12.2019 before the learned trial Court. Thus, at best the averments made in the present petition are the pleas of defence; which could be raised before the learned trial Court, at the appropriate stage.

In view of the above, entertaining of the present petition under Section 482 Cr.P.c. would amount to conducting a parallel trial and thus, no ground for quashing of FIR in question is made out.

Petition stands dismissed, accordingly.

However, the petitioners would be at liberty to raise all the pleas available to them before the learned trial Court at the appropriate stage(s).

Learned trial Court is requested to expedite the trial.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

November 27, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No