

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

**CRM-M-26404-2018
Date of decision: 24.02.2020**

Jagmohan Garg and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Alok Jain, Advocate
for the petitioners.

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

Mr. Vineet Sehgal, Advocate
for respondent Nos. 5 and 6.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to official respondents to investigate the complaints dated 29.12.2017 (*Annexure P-8*) and 04.03.2017 (*Annexure P-7*), filed by the petitioners, and to take appropriate legal action against the private respondents. It is further prayed that in case any fresh complaint is filed by the private respondents against the petitioners, the same be got investigated by an officer not below the rank of Inspector General of Police, before registering any FIR.

Learned counsel for the petitioners submits that petitioner Nos. 1 and 2 are the Directors of M/s J. G. Infra Private Ltd. having its office in Chandigarh and the petitioners, in that capacity, have purchased showroom Nos. 11, 12, 13, 14, 15, 16 and 17, vide four sale deeds dated 27.06.2013, 27.06.2013, 08.07.2013 and 13.03.2014 (*Annexure P-1 Colly.*). It is further stated that vide four sale deeds dated 25.04.2012, 26.04.2012 and

28.05.2012, the land was purchased in favour of M/s Geetu Homes Private Limited (*Annexure P-2 Colly.*) and the entire payment was made through cheques or in cash.

Learned counsel for the petitioners further submits that vide another sale deed dated 10.12.2012, some land was further purchased in favour of M/s Geetu Home Private Limited.

It is further submitted that thereafter, Gulshan Rai Satija-respondent No. 5 and Prateek Satija-respondent No. 6 filed a petition bearing CRM-M-20738-2015 before this Court alleging that the petitioners have broken the lock of their property and sought some directions, however, the said petition was dismissed for non-prosecution by this Court, vide order dated 21.07.2017 (*Annexure P-3*).

Learned counsel further submits that in the meantime, FIR No. 47 dated 03.02.2017, under Sections 406, 420 and 120-B of the IPC was registered against the petitioners and on a representation given by the petitioners, the matter was inquired into by the Assistant Inspector General of Police and the cancellation was recommended on 08.08.2017, however, the said cancellation proceedings are pending before the Illaqua Magistrate, who initially ordered further investigation and when second time cancellation was submitted, the complainant therein has filed a protest petition.

Learned counsel further submits that there are continuous attempts by the private respondents to take possession of the property which was sold by them to the petitioners and in this regard, the petitioners have given two complaints (*Annexures P-7 and P-8*), however, no action has

been taken thereunder.

Learned counsel further submits that another FIR No. 10 was also registered on 13.01.2018 under Sections 365, 341, 324, 323, 506 and 120-B of the IPC at instance of Gulshan Rai Satija-respondent No. 5, however, again a cancellation has been recommended by the Investigating Officer and the said proceedings are also pending before the Illaqua Magistrate.

Reply, by way of affidavit of DSP, Sub Division Dera Bassi, on behalf of official respondents, is filed in Court today. As per reply, during investigation in FIR No. 47, both the parties have given representations/complaints (Annexure P-7 and P-8) and an SIT was constituted and after conducting an inquiry, both the said representations were decided. It is further stated that as per the investigation conducted by the SIT, it was recommended that FIR No. 47 be cancelled as the matter is purely of civil nature.

It is further stated in reply that another FIR No. 216 dated 30.06.2019, under Sections 406, 420 and 120-B of the IPC was registered against Gulshan Rai Satija, Tilak Raj Jain, Jagmohan Garg and Gaurav Jain on the complaint of one Dinesh Kumar with the allegations that the accused persons, in connivance with each other, have cheated complainant-Dinesh Kumar on the pretext of sale of the property and the said FIR is still under investigation.

Learned State counsel, on instructions from SI Ajit Singh, submits that both the representations/complaints (Annexures P-7 and P-8), moved by the petitioners, were looked into by the SIT and it was found that

no action is required to be taken.

Learned counsel for respondent Nos. 5 and 6 has additionally argued that the dispute amongst the parties is a civil dispute with reference to their business activities for the sale and purchase of the properties.

After hearing learned counsel for the parties, I find no merit in the present petition for the following reasons:

(a) It is own case of the petitioners that they are in possession of the properties which they have purchased, however, till date, they have not filed any suit seeking permanent injunction with reference to dispute of possession between the parties. The arguments raised by learned counsel for the petitioners that now the private respondents are selling the property can also be looked into by the Civil Court, in case the petitioners set up a case that they have purchased the said property from the private respondents and they are the owner in possession of the said property. The police authorities have already taken action and matter is subjudice qua two FIRs.

(b) A perusal of the present petition shows that primary grievance of the petitioners is that no action has been taken on their representations/complaint (Annexures P-7 and P-8), whereas the affidavit/reply, filed by the DSP, Dera Bassi, clearly shows that during investigation by the SIT, both the representations/complaints have been inquired into and

stood decided while recommending cancellation of FIR
No. 47.

Accordingly, the present petition is hereby dismissed.

24.02.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>