

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

**CRM-M-46652-2016 (O&M)
Date of Decision : 15.01.2020**

Sumeet Mahna Petitioner

Versus

Tarsem Lal and others Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Gurinder Singh Dhillon, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

RAMENDRA JAIN, J. (Oral)

Through this petition under Section 482 Cr.P.C., petitioner-complainant has assailed order dated 03.02.2012 of the learned Magistrate, discharging respondents in complaint No.44/1/06 dated 13.06.2006 (Annexure P-3), filed by petitioner under Sections 420, 463, 464, 467, 468, 471 and 120-B IPC and order dated 13.10.2016 (Annexure P-4), of the Revisional court, affirming the aforesaid order.

Briefly, respondent Nos.1 and 2 filed a suit for specific performance of agreement to sell dated 05.04.2005 allegedly executed jointly by petitioner and four more persons namely Ashok Kumar Khanna, Veena Mahna and Shama and Shalu, averring that respondent Nos.1 and 2 had made payment of Rs.20,00,000/- to aforesaid persons (in short 'the vendors) as earnest money against sale of House Nos.12 and 13 alongwith construction thereon,

measuring 17 marlas 81 square feet, situated at Durga Colony, Jalandhar. The said suit was decreed against all the vendors except petitioner vide judgment and decree dated 03.02.2010 (Annexure P-9) which ultimately attained finality.

Thereafter, petitioner filed aforesaid complaint (Annexure P-1) against respondents on the ground that he was not signatory to the alleged agreement to sell as he was in jail at the relevant time. Thus, suit for specific performance was wrongly filed against him.

Learned Magistrate, after recording preliminary evidence, discharged the respondents vide impugned order dated 03.02.2012 (Annexure P-3) which was duly affirmed by the revisional court vide order dated 13.10.2016 (Annexure P-4).

Heard.

Having given thoughtful consideration, this court finds the instant petition merits dismissal for the reasons to follow.

Learned counsel for petitioner has not been able to show as to what fraud was committed with the petitioner by respondents.

It is well settled proposition of law that statement of a party has to be read as a whole and not in isolation. Respondents took a categorical stand, in their pleadings and evidence that agreement to sell in question was got signed from the vendors at two places. Petitioner was approached in jail for signing the same, but he refused to sign it. Respondents even categorically admitted that no money was ever paid to the petitioner against agreement to sell in question.

From the above conduct of respondents, it is apparent

that they never concealed anything from the civil court while obtaining decree in their suit for specific performance which was finally decreed as a suit for recovery of money.

From the above discussion, it is evident that petitioner could not prove any ingredient of Sections 420, 463, 464, 467, 468, 471 and 120-B IPC against respondents before the trial court. Therefore, they have rightly been discharged.

Dismissed.

15.01.2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No