

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

CRM-M-42503-2020

Date of decision: 17.12.2020

Sarabjit Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Amandeep Singh Jawandha, Advocate, for the petitioner.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed under Section 482 Cr.P.C. seeking quashing of FIR No.430 dated 16.10.2017 under Sections 420, 120-B & 506 IPC, 1860, registered at Police Station Jagraon, District Ludhiana (Rural).

While praying for quashing the aforesaid FIR, learned counsel for the petitioner submitted that it is civil dispute and secondly after a number of enquiries were held, the matter was also closed and thereafter, another officer came and registered the FIR on the said complaint.

The grounds for interfering and quashing are limited. Once, an offence is made out from the perusal of the FIR, then it is not appropriate to cut short the litigation simply on the ground that number of enquiries were held. Further, the arguments that it is a false case too does not help as whether the contentions are false or not is a matter of trial and investigation.

The third argument is that it is a civil dispute and that in case it is a civil dispute, an FIR cannot be sustained. Reliance is placed on the judgment of this Court rendered in Criminal Misc. No.M-18244-2008 titled as Jaswinder Singh vs. State of Punjab and others, decided on 12.1.2009.

In the present case, Sarabjit Kaur is stated to have presented herself as the owner of the property through agreement to sell. Thereafter, an assurance was also given that the agreement to sell, vide which, Sarabjit Kaur purchased the property shall also be given alongwith related documents. Money was handed over to the petitioners but the original agreement to sell was never handed over and nor the other documents and subsequently the complainant was told that the agreement to sell was not available. Thus, this is a mis-representation on behalf of the petitioner that she was owner of the property by way of agreement to sell which was denied subsequently after the deal was struck. It may have been a different story in case it was simple case of specific performance but here the complainant cannot even file specific performance against the petitioner as she has no right to further sell the property in the absence of agreement to sell. Hence, it being a prima facie to be a case under Sections 420, 120-B & 506 IPC, no ground for quashing at this stage.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

17.12.2020

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No