

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

207-A

CRM-M-40550-2022
Date of decision : 15.11.2022

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Petitioner

V/S

State of Haryana and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Anshul Sharma, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

Mr. J.S. Hooda, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.282 dated 30.06.2022 registered under Sections 120-B, 406 and 420 of the Indian Penal Code, 1860 at Police Station Chand Hut, District Palwal (**Annexure P-1**) and all consequently proceedings arising therefrom.

The above-said FIR was registered on the complainant made by respondent No.2-Rohtash Kumar alleging that the petitioner had agreed to sell his land measuring 19 kanals 15 marlas situated in Village Katesra, Tehsil and District Palwal to him for consideration of Rs.1,30,84,375/-. On 22.07.2021 the petitioner executed an agreement to sell in his favour and he had paid amount of Rs.15,50,000/- to the petitioner as earnest money. The date for execution of the sale deed was

fixed as 28.10.2021. The petitioner had also taken loan from Haryana Gramin Bank by mortgaging the land in question. A civil suit is also pending in the Court regarding the land in question and it was clearly mentioned in the agreement that the sale deed will be executed after decision of the civil suit and if the civil suit was not decided till the date fixed for execution of the sale deed, the date of execution of the sale deed would be deemed to have been extended. However, on 23.12.2021, he came to know that the petitioner had sold the land in question to some other person vide sale deed No.8948 dated 12.11.2021.

Learned counsel for petitioner submits that the petitioner has been falsely implicated in the present case. The dispute between the parties is of civil nature which has been given a criminal colour. There is no civil suit pending regarding the land in question as the same was already disposed of by learned Civil Judge (Junior Division)-cum-Presiding Officer, National Lok Adalat, Palwal vide order dated 11.09.2021. The Manager, Sarva Haryana Gramin Bank vide letter dated 21.10.2021 made it clear that the land in question was cleared from loan. The petitioner has already cleared the loan on 12.07.2016. On 28.10.2021, the petitioner reached at the Registration Office for registering the land in the name of complainant, however, the complainant did not come there. The petitioner tried his level best to contact respondent No.2. When the complainant did not reply to the petitioner even after making repeated request with regard to registration of sale deed, the petitioner sold his land to co-accused Dharamvir vide

sale deed dated 12.11.2021. To harass the petitioner, the complainant has filed a suit for a decree for specific performance of the agreement to sell dated 22.07.2021 and the petitioner has also filed a suit for declaration and permanent injunction which are pending in the Civil Court. The complainant after a delay of more than 07 months filed a complaint against the petitioner and other co-accused. The allegation levelled by respondent No.2 against the petitioner is totally false and baseless and are outcome of mala-fide intention to put undue pressure and to blackmail the petitioner for extracting money from him. Therefore, the instant FIR is liable to be quashed.

On the other hand learned State counsel assisted by learned counsel for the complainant has opposed the present petition and submits that the petitioner has cheated the complainant and dishonestly induced him to deliver a sum of Rs.15,50,000/- on the misrepresentation that he would sell his land to him for consideration of Rs.1,30,84,375/- and after sometime the petitioner sold the land in question to some other person. The investigation is still going on in the present case. Therefore, the present petition may be dismissed.

I have heard learned counsel for the parties and perused the record.

Hon'ble Supreme Court in its judgment passed in ***Niharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others : 2021 SCC (Online) SC 315*** observed that when the investigation by the police is in progress, the Court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based

on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law.

Keeping in view the facts and circumstances of the case particularly the fact that the investigation is still going on, the present petition being premature is hereby dismissed.

15.11.2022
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(ASHOK KUMAR VERMA)
JUDGE

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