

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

Sr. No.241

CRM-M-19740-2016

Date of Decision: January 10, 2023

Azad Singh and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: None for the petitioners.

Mr. Deepak Grewal, DAG, Haryana, for respondent No.1.

Mr. Gaurav Vir singh Behl, Advocate for
Mr. Akashdeep Singh, Advocate,
for respondent No.2-complainant.

SUDHIR MITTAL, J. (ORAL)

On the previous date of hearing, the Registry was directed to inform the learned counsel for the petitioners regarding the pendency of the case for today.

A perusal of the office note shows that the learned counsel has been informed, yet, none has put in appearance.

Learned counsel for the complainant submits that no amount has been paid to his client till date despite an offer having been made way back in the year 2017.

A perusal of the FIR shows that the petitioners agreed to sell their property to the complainant and received a sum of Rs.22.5 lacs even though the said property was mortgaged with the Oriental Bank of Commerce and notice of possession by the said Bank had already been issued to them under SARFAESI Act, 2002. It is thus evident that it cannot

be said that a perusal of the FIR does not disclose commission of an offence.

In view of the above, the petition is dismissed on merits as well as for want of prosecution.

January 10, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

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