

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

**Neutral Citation No. 2023:PHHC:042683
CRM-M-19362-2021
Date of Decision: March 22, 2023**

Inderjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. R.S. Jaswal, Advocate for respondent Nos.2 and 3.

DEEPAK GUPTA, J.(Oral)

By way of this petition prayer is made to quash FIR No.10, dated 14.01.2020, registered at Police Station Sadar Patiala, District Patiala, under Section 420 of IPC and the subsequent proceedings.

FIR was lodged on the basis of a complaint dated 25.10.2019 made by respondent Nos.2 and 3, namely, Bhura Singh and Sukhbir Singh respectively, as per which petitioner Inderjit Singh had agreed to sell his plot for an amount of ₹4,15,000/-, vide an agreement dated 21.01.2011 and had assured to execute the sale deed on or before 21.04.2011. It was alleged that despite passage of time, petitioner-accused Inderjit Singh had neither executed sale deed nor had returned the money.

It is rightly pointed out by learned counsel for the petitioner that agreement in question was executed way back on 21.01.2011. However, complaint for lodging the FIR in question has been made on 25.01.2019, i.e. after a period of more than 8 years.

It is conceded by learned counsel for respondents No.2 and 3 that during this period, no civil suit for specific performance of agreement was ever filed.

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Present FIR clearly appears to be an attempt to convert a civil dispute into a criminal matter. Apart from this, in order to attract under Section 420 IPC, it is required that there should be dishonest intention to cheat since the very beginning. It is not the allegation of respondents No.2 and 3-complainant that at the time of execution of the agreement, the petitioner did not have the intention to execute the sale deed or to return the money.

In the aforesaid circumstances, FIR No.10, dated 14.01.2020, registered at Police Station Sadar Patiala, District Patiala, under Section 420 of IPC and the subsequent proceedings deserve to be quashed.

Ordered accordingly. As such, the present petition is allowed.

March 22, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No