

CRM-M-35869-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

123

CRM-M-35869-2023
Date of decision: 18.10.2023

Rakesh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Shubham Goyal, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed for quashing of FIR No.39 dated 03.02.2023, registered at Police Station City Moga, under Section 420 IPC, and all the subsequent proceedings arising therefrom.

2. From the facts available on record, which form part of the present complaint, and some of which are even pleaded in the present petition, are that the petitioner being a trader had taken an advance of Rs.12 lakh from the complainant for supply of 32 Air Conditioners (ACs). It is not even in dispute that the petitioner has not supplied the said number of ACs. Rather, he supplied only 15 ACs to the complainant. Not finding himself able to supply the balance number of ACs, the petitioner claims that he had even returned an amount of Rs.1,80,000/- to the complainant. Even if this return is taken into consideration, still the complainant has been put to loss for an handsome amount, on account of misrepresentation and default by the petitioner. The very fact that even subsequently, the

CRM-M-35869-2023

petitioner could not supply the requisite number of ACs to the complainant which reflects upon the intention of the petitioner, right from the beginning, of cheating the complainant. By taking order and getting advance from the complainant, wrongful gain was obtained by the petitioner despite the fact that he was not in a position to supply the material for which he had taken the money. Moreover, there is a whole lot of transactional disputed facts, which would need determination by the trial Court. This Court cannot interfere in a case with the disputed questions of fact.

3. In view of the above, this Court does not find any ground to interfere in the matter so as to quash the aforesaid FIR.

4. Dismissed.

18.10.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No