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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-50402-2019 (O&M)****Date of decision: 22.09.2023**

Birinderjit Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Kanhiya Soni, Advocate for
Mr. Deepak Bhardwaj, Advocate for petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Ms. Khushika Setia, Advocate for
Mr. S.S. Sarwara, Advocate
For respondent No.2.

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of FIR No.313 dated 30.11.2018, registered under Sections 420, 120-B IPC at Police Station, Civil Lines, District Patiala, and all subsequent proceedings arising therefrom.

2. Prosecution case, based on the compliant filed by Jatinderpal, briefly speaking is, that Manjit Kaur, mother of complainant purchased a plot in 2005 from the petitioner, Birinder Jeet Singh. However, in 2012, Jatinderpal discovered that the Oriental Bank of Commerce was claiming the plot due to a mortgage by the previous owner, Major Munish Saxena. The petitioner promised to help Jatinderpal fight the case but failed to do so. An enquiry revealed that Major Munish Saxena had taken a housing loan from the bank on the same plot and sold it to the petitioner. The petitioner was aware of this loan but did not disclose it to Manjit Kaur when selling the plot to her. Consequently, an FIR was registered under Sections 420 and 120 of the IPC against the petitioner, Major Munish Saxena, and Garima Saxena for cheating Jatinderpal's mother.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated during investigation with an ulterior motive to extract money by quoting the market value of the plot in question and has been pressurized by local police to pay huge amount to complainant due to pressure built by complainant with his political links.

3.1 He further submits that alleged loan over plot in question is neither in the name of the petitioner nor is petitioner connected with the same in any manner. Petitioner is neither related to Mr. Munish Saxena nor to Ms. Garima Sexana. Petitioner never facilitated any such loan and is not even a guarantor or witness to alleged loan.

3.2 He further submits that when mutation was executed in favour of petitioner, after he purchased the plot, there was no adverse entry in the revenue records. Due diligence was also undertaken by the buyer/complainant while purchasing the property in question. Revenue record was duly verified and no case of cheating is made out against the petitioner.

4. Per contra, learned State counsel, assisted by ASI Ranjodh Singh, and learned counsel appearing on behalf of complainant oppose the petition.

5. Arguments heard.

6. On a Court query, learned State counsel submits that after completion of investigation, challan was filed on 01.02.2023 and charges were also framed on 20.04.2023. Out of 19 prosecution witnesses, 04 have been examined and next date of hearing before learned trial Court is 28.09.2023.

7. In the premise, at this belated stage, when trial is half way through, no indulgence is warranted by this Court to quash the FIR. Instant petition is thus dismissed with liberty to the petitioner to take the defense taken herein before the trial court at the appropriate stage.

8. It is made clear that any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and learned trial Court shall proceed in accordance with law without being influenced by this order.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

22.09.2023
vandana

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