



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

CRM-M-52769-2023

Date of decision: 04.09.2024

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankush Verma, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. Abhay Gupta, Advocate for respondent No.2.
(Through VC)

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner/accused seeking quashing of FIR No.45 dated 28.06.2019 registered under Section 420 IPC at Police Station City Banga District SBS Nagar.
2. The allegations appearing against the petitioner in nutshell are that petitioner availed home loan worth Rs.15 lacs from complainant bank, on 09.08.2011, against mortgage of his house situated in village Sahni. Subsequently, petitioner failed to repay the loan and consequently, complaint was lodged, which resulted in registration of the FIR in question.
3. The counsel for the petitioner while assailing the impugned FIR submits that the petitioner was having no malafide intention at the time of availing of aforesaid home loan. That petitioner has already repaid the said loan and complainant bank has issued no due certificate dated 06.08.2022



(Annexure P-4) in this regard to the petitioner. That in the given circumstances, the prosecution of the petitioner under Section 420 IPC on the basis of the impugned FIR will amount to abuse of law.

4. The counsel for the complainant who appeared through video conferencing has admitted the fact that the entire loan amount has been repaid by the petitioner and the complainant has issued No Dues Certificate dated 06.08.2022 (Annexure P-4) in this regard.

5. The State counsel has not disputed the fact the entire loan amount stands repaid by the petitioner.

6. It has come on the record that the petitioner has already repaid the home loan worth Rs.15 lacs which was availed by him from the complainant bank. Thus, it stands proved that there was no fraudulent intention on the part of the petitioner to cheat the complainant bank, when he availed aforesaid loan. Thus, prima facie, no offence under Section 420 IPC is made out against the petitioner.

7. For the foregoing reasons, the present petition is allowed and FIR No.45 dated 28.06.2019 registered under Section 420 IPC at Police Station City Banga District SBS Nagar is quashed qua the petitioner. All the subsequent proceedings based on the said FIR are also quashed, qua the petitioner.

04.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**