

**CRM-M-25062-2025**  
**Date of decision: 08.05.2025**

...PETITIONER

STATE OF PUNJAB AND ANOTHER

## ...RESPONDENTS

Present: Mr. S.S. Behl, Advocate;  
Mr. Gaurav Vir Singh Behl, Advocate and  
Ms. Raageshwari, Advocate for the petitioner.

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1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.187 dated 27.11.2024 under Sections 420/380/120-B of IPC registered at Police Station Tibba, District Ludhiana (Annexure P-8) along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner, *inter alia*, contends that the registration of the FIR (*supra*) is an abuse of the process of law. He further contends that the dispute between the parties arises out of an agreement to sell dated 24.11.2020, the target date of which was fixed for 25.05.2021. Furthermore, the FIR (*supra*) has been registered after an inordinate delay of 04 years. He further submits that in spite of the fact that thrice the veracity of the allegations made by the complainant was examined by the jurisdictional police authorities, it has been concluded that the dispute between the parties is purely civil in nature. In view of the civil dispute, the respondent No.2, instead of filing a suit for specific performance, has converted the purely civil dispute into a criminal case. In this regard, learned counsel relies upon the judgment passed by a two Judge Bench of the Hon'ble Supreme Court in ***Vesa Holdings P. Ltd. vs. State of Kerala (2015) 8 SCC 293***. Learned counsel for the petitioner submits that the petitioner would be satisfied in case all the



documents, which are annexed with the present petition and all the averments made herein, are considered by the Investigating Officer before submitting the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

3. Notice of motion.
4. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent and submits that he has no objection, in case the Investigating Officer is directed to consider all the documents (Annexures P-1 to P-6), which are annexed with the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).
5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.
6. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition and averments made in the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).
7. It is clarified that in case, final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*) is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

May 08, 2025  
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(HARPREET SINGH BRAR)  
JUDGE

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |