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

CRM-M-25073-2025

Date of decision: 08.05.2025

Dinesh Kumar and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sant Pal Singh Sidhu, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.06 dated 09.01.2025 (Annexure P-1) under Sections 406/420 of IPC registered at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar as well as all subsequent proceedings arising therefrom.

Learned counsel for the petitioners *inter alia* contends that the dispute between the parties stems from an agreement to sell dated 11.08.2011. The target date for registration of sale deed was fixed as 10.08.2012 but the sale deed was not executed. The complainant did not cooperate in the execution of the sale deed although, the petitioners were always willing to execute the sale deed after receiving the pending sale consideration at that time. Further, on 27.03.2012, one compromise was effected and Sandeep Kumar being GPA of petitioners had signed the same and even thereafter, the sale deed was not got executed. The dispute between the parties is purely civil in nature. The complainant has neither issued notice nor filed any civil suit seeking specific



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performance of the agreement to sell dated 11.08.2011 and the FIR (*supra*) was registered after an inordinate delay of 13 years and from the perusal of the FIR (*supra*), the necessary ingredients to attract the offence under Section 420 of IPC are not made out. He further relies upon the judgment of the Hon'ble Supreme Court passed in '**Delhi Race Club (1940) Ltd. Vs. State of U.P.**' (2024) 10 SCC 690 and submits that the FIR (*supra*) cannot be registered simultaneously under Sections 406/420 of IPC. He further relies upon the judgment rendered by the Hon'ble Supreme Court in **Vesa Holdings P. Ltd. v. State of Kerala (2015) 8 SCC 293** and submits that the FIR (*supra*) is not sustainable in view of the settled law. Even if the uncontroverted allegation made in the FIR (*supra*) is accepted as a gospel truth *prima facie* no offence under Sections 406/420 of IPC is made out. He further relies upon the judgment of the Hon'ble Supreme Court passed in '**Suresh Garodia Vs. State of Assam and another**' 2024 (1) RCR (Criminal) 649 and submits that the delay of 13 years in lodging the FIR in itself establish a sufficient ground for quashing the FIR as held in the aforesaid case

Per contra, the learned State counsel submits that the investigation is not complete and the Investigating Officer will examine all these facts and the specific averments made by the petitioners in the present case along with the Annexures attached with this petition before preparation of the final report after associating the petitioners and providing them opportunity to produce requisite documents.

The present petition is disposed of accordingly.

In case, the petitioners are required in any manner for the purpose of investigation, advance notice under Section 179 of BNSS (erstwhile Section



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160 Cr.P.C.) be served upon the petitioners.

However, liberty is granted, in case, the final report is filed, the petitioners are directed to file fresh petition seeking quashing of FIR (*supra*).

(HARPREET SINGH BRAR)
JUDGE

08.05.2025

Neha

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