



CRM-M-37152-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124

CRM-M-37152-2023

Date of decision: 12.11.2025

Manmohan Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kewal Krishan, Advocate for the petitioner.
Mr. Amit Goyal, Additional Advocate General, Punjab.
Ms. Harpreet Kaur Arora, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.430 dated 16.10.2017 under Sections 420, 120-B and 506 of IPC registered at Police Station Sadar Jagraon, District Ludhiana and all consequential proceedings arising therefrom.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand as detailed in the FIR is that the impugned FIR was registered based on the complaint made by Darshan Singh, son of Jangir Singh, resident of House No.862, Mohalla Ramdass Pura, Jagraon, District Ludhiana, a retired Army personnel. He alleged that accused persons namely Ranjit Singh and Manmohan Singh (petitioner herein), who are property dealers, approached him with a proposal to purchase a one kanal property situated at village Leelan, Tehsil Jagraon, District Ludhiana. The said accused claimed that the property was under an agreement to sell in favour of one Sarabjit Kaur (co-accused). Believing this, the complainant

was introduced to said Sarabjit Kaur by the said property dealers. All the

**CRM-M-37152-2023****2**

accused persons, acting in connivance and conspiracy, induced the complainant to purchase the said property. Consequently, on 18.11.2013, an agreement to sell was executed in favour of the wife of the complainant for a total consideration of Rs.13,16,500/- out of which the complainant paid a sum of Rs.5,00,000/- as earnest money in the presence of accused Ranjit Singh and Manmohan Singh (petitioner herein), who signed as witnesses. The accused persons assured the complainant that the original ownership documents and the previous agreement to sell in favour of Sarabjit Kaur would be provided before the registration of the sale deed which was slated for 25.06.2014. On 10.04.2014, the complainant further paid Rs.75,000/- to the accused persons, which was duly acknowledged at the back of the agreement to sell and the sale-deed date was extended to 24.12.2014. Thereafter, despite repeated requests, the accused persons failed to produce any original ownership documents or the alleged previous agreement to sell. Upon being pressed for the same, the accused persons finally confessed that no such ownership or agreement existed and they had fraudulently deceived the complainant into parting with his money. Thereafter, the complainant was threatened with dire consequences. The complainant alleged that the accused persons, by hatching a criminal conspiracy committed cheating, criminal breach of trust and criminal intimidation with dishonest intention of obtaining wrongful gain for themselves and causing wrongful loss to the complainant. Based on these set of allegations, the impugned FIR was registered.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has no



CRM-M-37152-2023

3

connection whatsoever with the alleged offence except for having signed the agreement to sell merely as an attesting witness. Learned counsel has contended that the petitioner is neither a beneficiary of the transaction in question nor did he play any role in its execution. According to learned counsel, the signatures of the petitioner had been obtained only to attest the document and he had no knowledge of any alleged deceit, misrepresentation or fraudulent intention attributed to the main accused. Furthermore, the entire dispute is civil in nature arising out of a property transaction with regard to agreement to sell and has been wrongly given a criminal colour. The FIR itself discloses no ingredients of any criminal offence against the petitioner. Learned counsel has pointed out that while considering the plea filed by the co-accused Sarabjit Kaur, the Hon'ble Supreme Court has already quashed the FIR and all consequential proceedings vide order dated 01.03.2023 (Copy whereof has been appended as Annexure P-11 with the instant petition). Learned counsel has asserted that the proceedings against the petitioner cannot be sustained independently and deserves to be quashed on the same parity of reasoning as extended to the co-accused by the Hon'ble Supreme Court. Accordingly, learned counsel has prayed that the continuation of proceedings against the present petition is unjust, arbitrary and an abuse of the process of law. On the strength of these submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the present petition by arguing that the allegations levelled against the petitioner are serious in nature. Learned State counsel has referred to reply by way of affidavit of Jaswinder Singh, PPS, DSP Jagraon, district Ludhiana (Rural),

relevant whereof reads as under:



“7. That after the completion of investigation challan against the Petitioner and co-accused has been presented in the Ld. Trial Court Jagraon on 10.08.2020. Now this case is faixed for 29.11.2025 in the LD. Trial Court Jagraon.

xxx

xxx

xxx

xxx

9. That the petitioner and co-accused have committed fraud of Rs.5,75,000/- with the complainant/respondent No.2. The accused could not produce any agreement to sell in favour of the seller Sarabjit Kaur of the land which was purchased by her and then sold by her to the Complainant/Respondent No.2. The petitioner & co-accused has misrepresented and fraudulently induced the complainant to deliver to her amount of Rs.5,75,000/-. So the petitioner has committed the offence of this case. This case was rightly registered against the petitioner. The FIR is not liable to be quashed against the petitioner. In these circumstances, it is respectfully prayed that the present petition may kindly be dismissed in the interest of justice.”

5. Learned counsel appearing for the respondent No.2 has vehemently opposed the prayer made in the petition and submits that specific allegations have been levelled against the petitioner in the FIR in question. According to learned counsel, the petitioner was not a mere attesting witness but was actively involved in facilitating the alleged fraudulent transaction and has connived with the co-accused to cheat the complainant.

6. I have heard learned counsel for the rival parties and have perused the available record.

7. A perusal of the FIR and accompanying material reflects that the allegations against the present petitioner are confined only to signing the agreement to sell as an attesting witness. No averment or material has been placed on record to show that the petitioner was a beneficiary of the alleged transaction or that he has received any consideration or has any dishonest intention at the inception of the agreement. Furthermore, the Hon’ble Supreme Court, while dealing with the case of co-accused Sarabjit Kaur, has



CRM-M-37152-2023

5

already held that the dispute arising out of the said agreement to sell is civil in nature as well as the continuation of the criminal proceedings would amount to misuse of the criminal process and, thus, quashed the FIR in question. Accordingly, no useful purpose would be served by continuing the proceedings against the present petitioner whose role was limited to that of an attesting witness to the agreement to sale executed between the complainant and co-accused Sarabjit Kaur. This Court finds merit in the same. Accordingly, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that the present proceedings pending before the Court below would amount to abuse of process of law.

8. As an upshot of above rumination, it is directed as follows:

(i) The present petition is allowed and the FIR No. 430 dated 16.10.2017 under Sections 420, 120-B and 506 of IPC registered at Police Station Sadar Jagraon, District Ludhiana and all consequential proceedings arising therefrom, is hereby quashed qua the petitioner.

(ii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 12, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No