

CRM-M-3636-2024

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

CRM-M-3636-2024

Date of decision: 09.02.2026

BHAN AND ORS

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

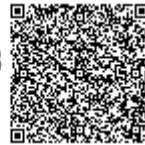
Present: Mr. Sukhdeep Singh, Advocate for the petitioners.

Mr. Rakesh Kumar Jangra, AAG, Haryana

Mr. Neeraj Saini, Advocate for respondent No.2.

H.S.GREWAL,J. (ORAL)

1. This petition has been filed under Section 482 of Cr.P.C for quashing of FIR No. 240 dated 25.09.2015 under Sections 420, 406, 506, 467, 468, 471, 120-B of IPC registered at Police Station Madlauda, District Panipat, challan sheet (Annexure P-6) and order dated 25.04.2023 (Annexure P-9) whereby well reasoned order of Id. trial Court dated 17.08.2017 (Annexure P-8) discharging the petitioner in a matter arising out of a civil dispute in pending suit for specific performance and order dated 06.01.2024 (Annexure P-11) whereby the Id. trial Court ignoring the order dated 28.07.2023 (Annexure P-10) passed by this Court wrongly ordered to frame charges against the petitioner, thus the entire proceedings initiated in order to cut short the civil litigation based upon the observation of the Id. ASJ and overlooking the order dated 28.07.2023 of this Court are gross abuse of process of law.

**CRM-M-3636-2024****2**

no-objection and facilitating execution of the sale deed in favour of his wife and his friend's wife on the basis of an agreement executed in his favour, subsequently twisted the facts and lodged the FIR alleging that Smt. Sona Devi, the vendor, executed the sale deed in favour of his wife and Mamta without his authorization.

3. Learned counsel for the petitioner submits that petitioner No. 1 is merely a witness to the sale deed executed by Smt. Sona Devi in favour of the complainant's wife and the wife of his friend, which was executed in the presence of the complainant and with his full knowledge and consent. It is further submitted that petitioner No. 2 is not a signatory to the agreement or the sale deed. Learned counsel further submits that a cancellation report was filed by the State, which was accepted vide order dated 17.08.2017. The complainant challenged the said order in revision, whereupon the learned Revisional Court directed the learned trial Court to reconsider the contentions of the parties and, after considering the material available on the case file, including the report under Section 173(2) Cr.P.C., to frame charges against the accused persons under the relevant provisions of law, if so made out.

4. Aggrieved by the order dated 25.04.2023 passed by the learned Revisional Court, the petitioner preferred a petition before this Court, and vide order dated 28.07.2023 passed in CRM-M-36580-2023, this Court directed that the observations made by the Revisional Court shall have no bearing whereabouts on the merits of the case and that the trial Court shall proceed uninfluenced therefrom and decide the matter independently in accordance with law.

5. It is pertinent to note that vide order dated 25.04.2023, the learned



CRM-M-3636-2024

3

Additional Sessions Judge, Panipat, had directed reconsideration of the contentions of the parties for framing of charges against the accused persons in light of the report under Section 173(2) Cr.P.C. However, thereafter, vide the impugned order dated 06.01.2024, the trial Court, relying upon the report under Section 173(2) Cr.P.C., held that a prima facie case for commission of offences punishable under Sections 420, 406, 467, 468, 471 read with Section 120-B IPC and Section 506 IPC is made out against the accused persons and the accused wee charge-sheeted accordingly.

6. Learned State counsel and counsel for respondent No. 2 have opposed the prayer made by ld. counsel for the petitioner and submits that the learned trial Court has rightly passed the impugned order and prays for dismissal of the present petition.

7. I have heard counsel for the parties and perused the record.

8. Keeping in view the facts and circumstances of the case, it is observed that the learned trial Court has failed to take into consideration the order dated 28.07.2023 passed by this Court and has again passed the impugned order without proper compliance thereof. Accordingly, the trial Court is directed to reconsider the matter afresh, including the report under Section 173(2) Cr.P.C., the cancellation report, and all material placed on record, and to pass a fresh order independently, without being influenced by the earlier orders passed in the matter by the Additional Sessions Judge.

9. With these observations, the present petition stands disposed of.

09.02.2026
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(H.S.GREWAL)
JUDGE

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