



CRM-M-8038-2021 (O&M)

1

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

266

**CRM-M-8038-2021 (O&M)
Decided on : 22.04.2026**

Saroj Bala

..... Petitioner

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Deepak Girotra, Advocate for the petitioner.

Mr. Satbir Singh Goripuria, DAG Haryana.

Ms. Nisha, Advocate for the respondents No.2 and 3.

SURYA PARTAP SINGH, J.

This petition under Section 482 of Criminal Procedure Code has been filed by the petitioner for quashing of order dated 09.11.2020 (Annexure P-8), passed by the Court of learned Judicial Magistrate First Class Rohtak, hereinafter being referred to as 'trial Court' only, and also the order dated 14.01.2021 (Annexure P-10) passed by the Court of learned Additional Sessions Judge Rohtak, hereinafter being referred to as 'Revisional Court' only.

2. By virtue of order dated 09.11.2020, the learned trial Court has declined the application filed by the petitioner under Section 156(3) of CrPC, and treated the complaint filed by the petitioner as a complaint case.

3. It is relevant to mention here that the order dated 09.11.2020 was challenged by the petitioner before the learned Revisional Court, by



filing a revision petition. However, the revision petition preferred by the petitioner did not find favour in the Revisional Court and therefore, the learned Revisional Court vide order dated 14.01.2021 dismissed the abovementioned revision petition.

4. Aggrieved of the abovementioned both orders, the present petition has been preferred by the petitioner on the ground that both the Courts below have failed in proper appreciation of the legal as well as factual matrix involved in the case. According to petitioner, in the given fact situation it was required that a direction should be given to the police to register the FIR and conduct investigation against the respondents/accused, but the Courts below due to wrong appreciation have arrived at a conclusion that no case for referring the matter to the police, for registration of FIR, is made out. As per petitioner, the abovementioned orders are not sustainable and deserve to be set aside.

5. Heard.

6. It has been contended by learned counsel for the petitioner that in the present case, very specific and categorical allegations, with regard to commission of fraud, were levelled by the petitioner before the learned trial Court, and that in support of complaint, there was documentary evidence showing the involvement of accused in the commission of offence. According to learned counsel for the petitioner, the fraud played by the accused was apparent in view of the fact that the agreement to sell between the petitioner and the accused was for the sale of land ad-measuring 01 kanal 04 marla for a sum of Rs.31,68,000/-, but at the time of execution of sale



deed, for a sum of Rs.8 lacs, the double area of the land has been got transferred. As per learned counsel for the petitioner, in view of abovementioned situation, it was necessary that the case be investigated by the police, and the accused be arrested & interrogated, and then prosecuted.

7. The record has been perused carefully.

8. In the present case, at the very outset, it is pertinent to mention here that the factual matrix of the case shows that there is allegation of fraud with regard to execution of a sale deed and with regard to abovementioned transaction, a civil suit is already pending on the same ground.

9. It is also relevant to mention here that the learned trial Court while passing the order dated 09.11.2020 has not dismissed the complaint filed by the petitioner against the accused. Rather the only conclusion drawn by the learned trial Court is that no case for referring the matter for registration of FIR is made out. Thus, for taking cognizance by the Court itself, the case has been treated as a complaint case, and posted for preliminary evidence. Since for the same offence, the trial is being conducted by the learned Judicial Magistrate, it is hereby held that merely by dismissing the application, no prejudice, whatsoever, has been caused to the petitioner.

10. Taking into consideration the abovementioned observations, it is hereby observed that there is no illegality or infirmity in the orders passed by the learned trial Court, vis-à-vis the learned Revisional Court.



11. As a sequel to abovementioned observations, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby *dismissed*, accordingly.

12. Pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

22.04.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No