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CRM-M-30438-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(129)

CRM-M-30438-2025 (O & M)

Date of Decision: 04.02.2026

(Through V.C.)

Meena Chhikara

..... Petitioner

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ravinder Hooda, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 of BNSS is for quashing of the impugned judgment dated 30.04.2025 (P-10) passed by the Additional Sessions Judge, Rohtak and the impugned order dated 21.09.2019 (P-8) passed by the SDJM, Rohtak vide which the complaint (P-7) of the petitioner for investigation and registration of FIR under Section 156(3) Cr.P.C. against the accused/respondents No.2 and 3, has been dismissed.

2. It is the case of the petitioner-complainant (hereinafter known as the petitioner) that her father had purchased a plot measuring 707 sq. yards from Killa No.330//4/2 for a consideration of Rs.30,000/situated in village Bohar, Tehsil and District Rohtak vide sale deed no. 1926 dated 3.6.1989 from Bishan Singh son of Kure, resident of Village Bohar through

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GPA holder Sunil Kumar. The possession of the plot was given to her father on the spot and he constructed four walls on the said plot and fixed a gate on the northern side of the same. The father of the petitioner used to visit the site from time to time and always found the walls and gate intact. Thereafter, he orally gifted this property to the petitioner in the year 2015 as he was suffering from various ailments and thus, he wanted to transfer the property to her. For that purpose, he came to Rohtak to complete the transfer formalities but he was surprised to see that that boundary wall and gate were not in existence on his plot. Due to this situation, Mahinder Singh-her father visited the office of the Tehsildar for identification of his property and for sanctioning mutation in her favour and for completing other legal formalities required for transfer of property. At that time, he came to know that there was only 11.4 marla land in killa no.330//4/2 and same was also transferred through sale deed no.5437 dated 09.12.1988 by the brother of Bishan Singh-accused No.2 and Sunil Kumar Goyal-accused no.1 was a signatory on the said sale deed. Thus, he came to know that the accused were well aware about the sale deed no.1926 dated 03.06.1989 and despite that he made false representation to him and induced him to purchase the plot in question and registered sale deed in the year 1989. Thereafter, she (petitioner) filed several complaints before the Chief Minister whereby an inquiry by SDM, Rohtak was conducted and it was found to be a case of fraud and cheating but no criminal action was taken against the accused persons. She also reported the matter to SP, Rohtak on 17.10.2016 and her father also filed a

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complaint but no action was taken leading to the filing of the criminal complaint.

3. Based on the evidence led, the complaint came to be dismissed vide order dated 21.09.2019 passed by the Additional Chief Judicial Magistrate, Rohtak (Annexure P-8) with the following observations:-

15. In the present case, the main allegation of complainant is that Sunil Kumar being power of attorney of Bishan Singh executed sale deed Ex.CW7/C in favour of father of complainant qua the property in question. Copy of the GPA is Ex.CW7/B on record. It is further the case of the complainant that Nafe Singh, who is real brother of Bishan Singh, in the year 1988, before execution of GPA Ex.CW7/B had executed sale deed Ex.CW7/A qua the property in question but the same was not disclosed to the father of complainant by Bishan Singh.

16. I have perused Ex.CW7/A, Ex.CW7/B and Ex.CW7/C and after perusal of these documents, it is clear that the property as mentioned in the sale executed in favour of father of complainant and sale deed executed by Nafe Singh is different as the dimensions of the property in both these sale deeds is entirely different. The property as depicted in Ex.CW7/A falls in sakni no.8 total measuring 350 sq. yards whereas the property as depicted in Ex.CW7/C falls in sakni no.7, total measuring 707 sq. yards.

17. Although, in both these sale deeds it has been mentioned that the land falls in khasra no. 330//4/2. Complainant has placed on record jamabandhi for the year 1983-84, 1988-89, 1993-94, 1998-99, 2003-04 and 2008-09 of killa no. 330//4/2 and from all these jamabandhies, which are Ex.CW8/A to Ex.CW8/G it is clear that total land comprising in this khasra number and killa number is only 11 marla land.

18. It has no where come on record that father of complainant verified the revenue record or the document of ownership of Bishan

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Singh before entering into a sale agreement with Bishan Singh. There is no prima facie evidence on record that how Bishan Singh induced father of complainant to enter into a sale agreement. It was for the complainant to show that alleged accused persons had dishonest intention from the very inception to deceive father of complainant and they induced him to make delivery of money which have not been established. Since, the basic ingredients of cheating does not stand established prima facie in the present case, accused persons can not be summoned for offences punishable under sections 420, 418, 463, 467, 468 and 471 IPC. Also, even if money was paid by father of the complainant to the accused persons then the same was paid as sale consideration and it was not paid by father of complainant with a view that accused persons keep it for him in entrustment and thus, section 406 of IPC is also not made out.

19. In view of discussion made, it is clear that there is nothing on record to prima facie satisfy this court to issue process against any person. Hence, complaint in hand stand dismissed. File be consigned to record room after due compliance.

4. The petitioner preferred a revision petition before the Court of Additional District & Sessions Judge, Rohtak which came to be dismissed vide order dated 30.04.2025 (P-10). The relevant extract of the said order is as under:-

7. From the perusal of the sale deeds Exhibit CW7/A and Exhibit CW7/C, it is evident that property as mentioned in the sale deed executed in favour of father of complainant and sale deed executed by Nafe Singh is different as the dimensions of the property in both these sale deeds are different. In sale deed No.5437 dated 9.12.1988 Exhibit CW7/A falls in Sakni No.8 total measuring 350 square yards (11-2/3 marla), whereas, the property shown in sale deed No.1926 dated 03.6.1989 Exhibit CW7/C, falls in Sakni No.7, total measuring 707 square yards(23-1/3 marlas). However, in both the sale deed



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land falls in khasra no.333//4/2. Further PW4 Naveen Kumar HRC, DC office has deposed that as per record i.e. the total area of the land is 45 Kanal 16 Marlas. Moreover, there is no evidence on record that Bishan Singh induced father of complainant to entered into a sale deed and complainant had not shown that the alleged persons had dishonestly induced him. The learned trial Court has also rightly observed that it was for the complainant to show that alleged accused persons had dishonesty intention from the very inception to deceive father of complainant and they induced him to make delivery of money which have not been established. Therefore, the ingredients of criminal intention to cheating not made out. Since, essential mens rea are not apparent to cheat the respondent, therefore, subsequent sections prima-facie could not be attracted under Sections 406, 418, 463, 467, 468, 471 IPC. Accordingly, there is no illegality, impropriety or any incorrectness in the impugned order. As a result, the present revision petition is hereby dismissed. Trial Court record alongwith a copy of this judgment be sent back to the concerned Court. File after due compliance be consigned to the record-room.

5. Thereafter, the instant petition has been filed challenging the aforementioned order.

6. The learned counsel for the petitioner contends that the Courts below have erred in not sending the complaint under Section 156(3) Cr.P.C. for registration of the FIR. The Courts have not considered in its proper perspective the fact that the property in both the sale deeds was the same. In fact, immovable properties are not identified by Sakni/Ahata No.7 or Sakni/Ahata No.8. The Courts below have erroneously observed that there was no inducement by the accused to deceive the father of the petitioner.

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He, therefore, prays that the impugned orders are liable to be set aside in the interest of justice.

7. I have heard the learned counsel for the parties.

8. The argument that the complainant ought to have been sent under Section 156(3) Cr.P.C. for the registration of the FIR is completely fallacious in view of the fact that the case was treated as a complaint case, preliminary evidence recorded and only, thereafter, the complaint came to be dismissed. At this stage, the question of referring the case to the investigating agency for registration of an FIR does not arise. The documents on record would reveal that the description of the properties in both the sale deeds are entirely different. Therefore, it has rightly not been established that the accused persons cheated the father of the petitioner or her. Interestingly, the recital of the complaint reveals that the father of the petitioner had taken the possession of the property and constructed four walls on the said plot alongwith the gate in the year 1989. It does not stand to reason that the four walls had been demolished and some one else had taken the possession of the property after demolishing the walls and the father of the petitioner only got to know the said fact in the year 2015 when he approached the police. Further, for reasons best known to the petitioner and her father, no civil proceedings have been initiated against the accused and or any other person. This also makes the case of the petitioner highly doubtful.

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9. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

10. The pending application(s), if any, shall stand disposed of accordingly.

February 04, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No