



CWP-23689-2025

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

(118)

CWP-23689-2025

Date of decision:- 18.08.2025

NARESH MAHAJAN

... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sachin Sharma, Advocate,  
Mr. Aditya Dhawan, Advocate and  
Mr. Manpreet Singh, Advocate  
for the petitioner.

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**SUVIR SEHGAL, J. (ORAL)**

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India *inter-alia* for issuance of a writ, in the nature of mandamus, for directing respondent No.2 to perform his statutory duty by registering an FIR on the basis of reports, Annexures P-5, P-8 and P-9.
2. Counsel submits that the petitioner along with his family members entered into an agreement to sell dated 22.08.2023, Annexure P-1, with Narinder Singh for purchase of 200 square yards residential house for an amount of Rs.40 lacs. He states that the petitioner paid the earnest money of Rs.15 lacs and date of execution was fixed for 22.11.2023, but Narinder Singh failed to execute the sale deed and a suit for specific performance, Annexure P-2, has been filed, which is pending. Counsel submits that Narinder Singh did not disclose that he had entered into an agreement dated 01.06.2020, Annexure

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P-3, pertaining to the same house with Dilbagh Singh and had received earnest money. As he had been deceived, counsel submits that petitioner submitted a complaint dated 27.02.2024, Annexure P-4, which was inquired into and by report dated 18.05.2024, Annexure P-5, it was recommended that a criminal case for offence under Section 420 IPC be registered against Narinder Singh. Counsel states that the report was not approved of by the District Attorney. He emphasizes that another complaint dated 12.09.2024 was submitted by the petitioner and by report dated 27/28.02.2025, Annexure P-8 as well as Annexure P-9, recommendation was made for registration of the criminal case, but District Attorney again opined on 05.06.2025, Annexure P-11, that dispute is of a civil nature and no new facts have come to light. By placing reliance upon the judgment of the Supreme Court in **Lalita Kumari Versus Government of Uttar Pradesh and others, (2014) 2 SCC 1**, counsel asserts that it is the bounding duty of respondent No.2 to register an FIR as cognizable offence has been made out against the accused.

3. I have heard counsel for the petitioner and considered his submission.

4. Petitioner has alleged that he has been defrauded by Narinder Singh, who had entered into an agreement, Annexure P-3, prior to entering into an agreement, Annexure P-1, with the petitioner pertaining to a residential house. It is the case of the petitioner that he had submitted repeated complaints and upon inquiry, police authorities have found that a clear cut case of fraud is made out against Narinder Singh. Both the inquiry reports prepared by the police were sent to the District Attorney for his opinion, who has advised that no cognizable offence is made out and remedy, if any, available to the petitioner is of approaching the civil court. In this background, judgment in



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Lalita Kumari's case (supra) relied upon by the counsel for the petitioner would not come to his aid.

5. It has been held by the Supreme Court in Sakiri Vasu Versus State of Uttar Pradesh and others, (2008) 2 SCC 409 and in M. Subramaniam and another Versus S.Janaki and another, (2020) 16 SCC 728 that if a person has a grievance that police is not registering his FIR, he can approach the Superintendent of Police under Section 154 (3) Cr.P.C. (now Section 173(4) of BNSS) by making an application in writing and even if that does not yield any result, it is open to him to file an application before the competent Magistrate under Section 156 (3) Cr.P.C. (now Section 175(3) of BNSS). In view of the dictum of the Supreme Court, this Court is not inclined to entertain the prayer made by the petitioner.

6. Petition is dismissed as not maintainable. However, petitioner is granted liberty to take recourse to the remedy available to him in accordance with law.

18.08.2025  
Kamal

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No