

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12052-2025 (O&M)

Date of Decision: 05.03.2025

Deepak Kumar

... Petitioner

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Onkar Rai, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

(1). The petitioner has filed the present petition under Section 482 CrPC seeking to quash FIR No.123 dated 06.03.2019 (Annexure P-1) under Section 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Ballabgarh Sadar, District Faridabad, as respondent No.2 had earlier filed complaint dated 06.11.2017 (Annexure P-2) which was enquired into by the Economic Crime Wing, Ballabgarh, Faridabad and on the basis of report of Tehsildar (Annexure P-3) as regards title of land and on the basis of detailed enquiry dated (Annexure P-4), it was found that the complaint was filed to pressurize the petitioner in order to get back money.

(2). Learned counsel for the petitioner contends that as per allegations in FIR, the petitioner induced Subash - respondent No.2 for buying land measuring 8 kanals 02 marlas situated in village Neemka, District Faridabad, and also paid Rs.30 lacs through cheque to the present petitioner-Deepak Kumar and got executed an agreement to sell dated 14.03.2016, but the petitioner and one Gajraj did not execute the sale deed. The same set of allegations were leveled by respondent No.2 earlier also in his complaint regarding which an inquiry was conducted by Economic Crime Wing,

Ballabgarh Zone, Faridabad wherein it was found that the petitioner and Gajraj are ready to execute a sale deed even today in favour of respondent No.2 but he is not willing to get registry of the land effected in his name but wants his money back and in order to put pressure on the petitioner, complaint was made.

(3). He submits that the said Gajraj and respondent No.2 are close relatives and known to each other being nephew of the complainant and their houses area also adjoining. It is further contended that the co-accused Gajraj had earlier filed CRM-M-6323-2020 seeking quashing of the instant FIR and this Court vide judgment dated 16.09.2024 (Annexure P17), quashed the said FIR. The land in dispute is also nearby the house of respondent no.2 and latter was very well aware of the fact that Ramesh Sharma of his village has been cultivating and possessing the land since long and the ownership is in the name of the petitioner. Further, respondent No.2 is also aware that the rate of land is very high because projects of big companies are also there near the land in question. It is for this reason, the deal of land was settled at very low price but due to the greed of handsome money from the cultivator, complainant wants eviction of Ramesh Sharma and agreement to sell dated 14.03.2016 was executed. Even despite best efforts of petitioner who is the owner of the land, respondent No.2 refused to get executed the sale deed and filed the complaint dated 06.11.2017 against the petitioner.

(4). Heard learned counsel for the petitioner.

(5). Admittedly the enquiry of complaint dated 06.11.2017 (Annexure P2) was conducted by the Economic Crime Wing and report regarding title of land was obtained from the office of Tehsildar, Faridabad. The present FIR has been registered after the complaint was received from the office of Deputy

Commissioner of Police, Faridabad, and the matter is under investigation. A perusal of the report obtained from the office of Tehsildar, Sub Tehsil Tigaon, District Faridabad would show that the petitioner is the share-holder of 8 kanals 2 marlas out of total land of 39 kanals 13 marlas comprised in Mustkil No.38, Khasra No.4-5, 12-19, 22/1, Mustkil No.14-3-26, Khasra No.17/2-3/2-7/2 but the land in Mustkil No.1-14-3-26, Khasra No.12-19-22/1, 23/2, 17/2, 3/2. 7/2/2/ had already been acquired by the Haryana Urban Development Authority before the Mutation No.3831, 3825, 3885 and the said fact stands corroborated from the report obtained from the Land Acquisition Officer, Faridabad dated 23.10.2018. This land is in respect of Sector 76, 77 and 78. The possession of the land was obtained on 04.02.2011. It was also reported by Memo. No.5334 dated 23.10.2018 that the land in Khasra No.1/19, 22/1, 23/2, 3/3/2, 26/7/2/2 was acquired by Award No.10 dated 27.08.2010 and the possession was taken.

(6). In fact, in the enquiry, it has been found that the petitioner in order to cheat the complainant/respondent No.2 – Subhash obtained a sum of Rs.30,00,000/- by making forged agreement whereas, the land was already acquired by the Land Acquisition Officer, Haryana Urban Development Authority, Faridabad and it was only after making enquiry, that the present FIR has been registered. In fact, the petitioner had entered into an agreement to sell dated 14.03.2016 with respondent No.2 to sell 8 kanals 2 marlas of land situated at village Neemka, Sub-Tehsil Tigaon, District Faridabad, @ Rs.1,95,00,000/- per acre and an amount of Rs.30,00,000/- was paid by way of blank cheque by respondent No.2 which was credited in favour of M/s Jai Durga Enterprises on 16.03.2016 in which the petitioner is the proprietor and thereafter on the same very day, i.e., 16.03.2016, the amount of Rs.28 lacs was

transferred in the account of Nagar Cassettes from the account of M/s Jai Durga Enterprises and the proprietor of Nagar Cassettes is the petitioner.

(7). Evidently, part of the land of the agreement to sell dated 14.03.2016 has already been acquired by Govt. of Haryana vide notification dated 30.08.2008 and thereafter the part of the land has been transferred in favour of Govt. of Haryana vide rapat No.133 dated 27.08.2010 and 04.02.2011 and since the petitioner intended to sell the land which is not free from all encumbrances and the title of land is disputed, as such, the petitioner's plea of his being still ready to execute is immaterial and futile and amounts to cheating with respondent No.2. That apart, the petitioner is the direct beneficiary as the token money of Rs.30,00,000/- was received by him and is not ready to refund the same to the respondent No.2 regarding which a civil suit at the instance of respondent No.2 is also pending. Besides the petitioner cannot claim parity with Gajraj Nagar as the main grouse of the complainant was found to be against the original owner i.e. the petitioner rather Gajraj inasmuch as there is no allegation of fabrication or any document against him.

(8). In view of the above discussion, no ground is made out by the petitioner for quashing the aforesaid FIR qua him.

(9). Dismissed.

(10). Anything stated hereinabove, shall have no bearing on the merits of the case before the trial court.

05.03.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No