
(1995) 03 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 1408-M of 1994

Rattan Singh and others

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision : 31-03-1995

Acts Referred:

Citation : (1996) 1 RCR(Criminal) 57

Hon'ble Judges : V.K.Bali, J

Advocate : J.S. Duhan, K.S. Gill, Rajnish Narula, P.S. Saini, Advocates for appearing Parties

Judgement

V.K. Bali, J. (Oral)

1. Rattan Singh and others, through present petition filed by them under Section 482 of the Code of Criminal Procedure, seek quashing of F.I.R. No. 51, dated 7.4.1993, under Sections 452/448/323/420/506/34, Indian Penal Code, registered at Police Station, Panchkula, as also all subsequent proceedings arising therefrom.

2. Brief facts, as averred in the petition, are that vide agreement dated 11.11.1992, owners of S.C.O. 49, Sector 8, Panchkula, namely, Narender Kumar Rajni Kawatra agreed to sell the same in favour of petitioners and an amount of Rs. 8.35 lacs was paid in cash. There was a date stipulated in the agreement for execution of the sale deed. Inasmuch as the sale deed could not be executed upto the stipulated date and other agreement came to be executed on 8.1.1993 vide which the petitioners paid an amount of Rs. 5.10 lacs. The allegations made in the petition go on to reveal that later in point of time owners sold this property to Smt. Kailash Rani, who, later, in turn lodged the F.I.R. in question alleging therein that she was in possession in consequence of sale made in her favour and that the documents prepared by the petitioners were forged.

3. It is an admitted position that the petitioners have already filed a civil suit staking their claim with regard to property in dispute wherein they have also

moved an application for grant of stay. The civil court is seized of the matter and has already granted adinterim injunction in their favour and the civil suit is still pending. Smt. Kailash Rani, wife of respondent No. 2 also filed a civil suit which was, however, later on withdrawn.

4. Mr. Gill, learned counsel for respondent No. 2 vehemently contends that no case for quashing of the F.I.R. is made out and it shall be seen at the time of trial as to whether the documents on the basis of which the petitioners are staking claim, were forged or not.

5. I have heard learned counsel for the parties and gone through the records of the case. The Civil Court, concededly, is seized of the matter and, obviously, one of the issues to be determined by the Civil Court is as to whether the documents relied upon by the petitioners are forged or not. Concededly as well, the findings of Civil Court would be binding upon the Criminal Court. That being so, it would be an exercise in futility to continue with the trial as its necessity may not arise if Civil Court determines the crucial issue with regard to genuineness of the sale agreements in favour of the petitioners. Thus, it will be in the interest of justice to stay the proceedings in the case pertaining to F.I.R. No. 51, dated 7.4.1993, sought to be quashed in the present petition. If the findings on the relevant issue are returned against the petitioners, obviously, criminal proceedings would revive.

6. With these observations, this petition is disposed of.

JUDGMENTed Accordingly.