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(2013) 09 P&H CK 0394

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-9479 of 2011 (O&M)

Kamaljit Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

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Date of Decision: Sept. 6, 2013

Citation: (2014) 301 ELT 44

Hon'ble Judges: Sabina, J

Bench: Single Bench

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Judgement

@JUDGMENTTAG-ORDER

Sabina, J.

Petitioner has filed this petition u/s 482 of the Code of Criminal Procedure, 1973 seeking quashing of the F.I.R. No. 3 dated 7-1-2007 Vinder Section 420 of the Indian Penal Code, 1860 (in short "IPC"), registered at Police Station Division No. 5, Ludhiana and all the subsequent proceedings arising therefrom. Learned counsel for the petitioner has submitted that the husband of the petitioner had earlier sold the property to Sanjeev Goyal, although, he had furnished surety bonds qua the said property to Central Excise and Customs Department. But now, husband of the petitioner had repurchased the property and was, thus, owner of the property qua which surety bonds had been furnished by him.

2. Learned State counsel, as well as counsel for respondent No. 2, on the other hand, have opposed the petition.

3. Prosecution story, in brief, is that industrial licence was granted to M/s. Punjab Exports for manufacture of goods for export purposes. Harbhajan Singh Sandhu being partner of M/s. Punjab Exports and Managing Partner of M/s. Fashion World International had executed the necessary surety bonds. However, Harbhajan Singh Sandhu had sold the land of the three units i.e. M/s. Fashion World International, M/s. Punjab Exports and M/s. Sandhu Fabrics.

4. Para 13 of the petition reads as under:-

That without prejudice to above arguments, it is further contended that Harbhajan Singh Sandhu at the time of filing the Complaint sold the land but it was again repurchased after registration of F.I.R. Letter dated 23-8-2004 of Respondent No. 2 confirms that the land in question was owned and possessed by Harbhajan Singh Sandhu. Repurchase of land by Harbhajan Singh Sandhu has confirmed that the Petitioner has no role in the sale and purchase of the land. The repurchase of land further confirms there was no mala fide intention and land was sold in the normal course of business. There was no fraudulent intention to avoid the payment of duty. There seems no reason to continue with the proceedings when the land has been repurchase.

Reply to the said para by Respondent No. 2 reads as under:-

That the averments of the petitioner that Harbhajan Singh Sandhu had sold the land and same has been repurchased proves the fact that the petitioner and other accused persons in connivance with each other sold the property and by selling the land offence has been committed and repurchase of the same does not undo the offence committed.

5. Thus, admittedly, now the land which had been sold by Harbhajan Singh Sandhu to Sanjeev Goyal has been repurchased by him. Thus, presently Harbhajan Singh Sandhu is the owner of the property in question. Petitioner is the wife of Harbhajan Singh Sandhu and had furnished surety bonds along with her husband. In the facts and circumstances of the present case, continuation of criminal proceedings against the petitioner would not serve any useful purpose, as now property in question is again owned by her husband which formed basis of the surety bonds. Accordingly, this petition is allowed. F.I.R. No. 3 dated 7-1-2007 u/s 420 IPC registered at Police Station Division No. 5, Ludhiana, Challan dated 19-7-2008 under Sections 420 and 120-B IPC and all the subsequent proceedings arising therefrom are quashed.