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(2013) 09 P&H CK 0415

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-29417 of 2013

Rajvinder Kaur	APPELLANT
Vs	
State of Punjab and Others	RESPONDENT

Date of Decision: Sept. 4, 2013

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 482#Penal Code, 1860 (IPC) â€" Section 406, 420

Citation: (2013) 09 P&H CK 0415

Hon'ble Judges: Sabina, J

Bench: Single Bench

Advocate: Gitish Bhardwaj, for the Appellant;

Final Decision: Dismissed

Judgement

Sabina, J.
Petitioner has filed this petition u/s 482 of the Code of Criminal Procedure, 1973 (Cr.P.C. for short) seeking quashing of the

orders dated 24.4.2012 (Annexure P-6) and 2.2.2013 (Annexure P-7). Petitioner has further prayed that FIR No. 59 dated 13.6.2011, u/s 406,

420 of the Indian Penal Code, registered at Police Station Sirhind, District Fatehgarh Sahib, be quashed. Prosecution story, in brief, as per the

FIR, is that complainant had agreed to purchase 48 kanals of land. At the time of execution of the agreement to sell, Rs. 30,00,000/- had been

paid towards earnest money to Sukhwinder Singh in the presence of the petitioner (wife of Sukhwinder Singh). Sukhwinder Singh as well as the

petitioner had assured the complainant that the sale deed would be executed in his favour as the son of the petitioner at the time of execution of the

agreement to sell, was a minor. Petitioner took Rs. 60,000/- from the complainant. However, later complainant came to know that an agreement

to sell had been earlier executed by the accused in favour of Jaswant Singh. Now a compromise had been effected between the petitioner and

Jaswant Singh.

2. Learned counsel for the petitioner has submitted that petitioner has been falsely involved in this case. Petitioner was not a signatory to the

agreement to sell in question.

3. In the present case, a perusal of the FIR reveals that serious allegations have been levelled against the petitioner. The agreement to sell in

question was executed by the husband of the petitioner in favour of the complainant and as per the prosecution case, petitioner was also present at

that time. Minor son of the petitioner was owner of the property. Petitioner as well as her husband had assured the complainant that the sale deed

would be executed in his favour. As per the FIR, petitioner had taken Rs. 60,000/- from the complainant. However, an agreement to sell had

already been executed in favour of Jaswant Singh before execution of agreement to sell in favour of the complainant.

4. After thorough investigation of the case, challan was presented against the petitioner and her co-accused. Charges were framed against the

petitioner and her co-accused vide order dated 24.4.2012 (Annexure P-6). At the stage of framing of the charges, Trial Court is only required to

see as to whether a prima facie case is made out against the accused or not. Revision petition filed by the petitioner against the order passed by the

Trial court whereby charges were ordered to be framed against her, was dismissed by the Court of Revision vide order dated 2.2.2013 (Annexure

P-7). In the present case, the Trial Court had rightly ordered the framing of the charges against the petitioner as prima facie case to proceed

against the petitioner was made out.

5. It is a settled proposition of law that the petitioner cannot invoke jurisdiction of this Court u/s 482 Cr.P.C. after dismissal of his revision by the

Sessions Court as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere u/s 482 Cr.P.C.

6. In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court u/s 482 Cr.P.C.

7. Keeping in view the facts and circumstances of the present case, no ground for interference is made out. Dismissed.