

ITEM NO.9

COURT NO.13

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 7546/2019

[Arising out of impugned final judgment and order dated 06-12-2018 in CRMM No. 8766/2018 passed by the High Court of Punjab & Haryana at Chandigarh]

SUBODH PARKASH

Petitioner(s)

VERSUS

RAJINDER MOHAN & ANR.

Respondent(s)

IA No. 129258/2020 - EXEMPTION FROM FILING O.T.

IA No. 140153/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 121882/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 129285/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 12-12-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Mahesh Thakur, AOR
Mrs. Geetanjali Bedi, Adv.

For Respondent(s) Mr. Siddharth Aggarwal, Sr. Adv.
Mrs. Sonali Jaitley Bakhshi, Adv.
Mr. Jaiyesh Bakhshi, Adv.
Mr. Ravi Tyagi, AOR
Mr. Mayank Mishra, Adv.
Ms. Manmilan Sidhu, Adv.

Mr. Bhakti Vardhan Singh, AOR

Mr. S. Udaya Kumar Sagar, A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Lakshya, Adv.
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Mr. Nepal Singh, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

The petitioner – complainant has come against the impugned order dated 06.12.2018, whereby in a petition under Section 482 Cr.PC., the High Court has quashed FIR No. 687 dated 22.11.2017 registered against the petitioner under Sections 416, 419, 420, 467, 468, 471, 472 and 120B of the Indian Penal Code at Police Station Yamuna Nagar, Dist. Yamuna Nagar, Haryana.

First and foremost, the FIR itself was filed after 12 years of delay. The accused had moved the inherent powers of the High Court under Section 482 Cr.P.C.. The High Court, after considering the entire facts and law in the matter, came to the conclusion that no case is actually made out against the accused and the criminal proceedings initiated by the complainant amounts to nothing, but an abuse of the process of law. Consequently, the criminal proceedings were quashed.

This is the order which the petitioner has challenged before this Court.

Meanwhile, we have also been informed at the Bar that there were two accused in the case. Regarding one accused, investigation is going on and against them, final report has been filed on 30.05.2020. We have gone through the order itself. What is important is that both the accused as well as the complainant had purchased property in auction. The cost of the property was Rs. 4 Crores, and Rs. 3.45 crores was paid by the complainant, whereas he realized that the property was, in fact, registered in the name of the

company and, therefore, he has been cheated. In sum and substance, this is the case of the complainant. However, this is not the stand of the complainant in another case, which was initiated by the borrower in which the present complainant and the accused were also a party. It is an admitted position that he is 2/3rd owner of the auction purchase property and he is also having 50% share in the company.

Under these facts, we are not convinced as to the allegation of cheating which the complainant has alleged to be done with him, and that too, after a long delay of 12 years. We see no error in the impugned order passed by the High Court whereby the criminal proceedings have been quashed. It was a correct order. We see absolutely no scope for interference in the matter. The Special Leave Petition is, accordingly, dismissed.

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS

(RAVINDER KUMAR)
COURT MASTER