

Jog Singh Vs. State and anr

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Court : Rajasthan Jodhpur

Decided On : May-27-2014

Appellant : Jog Singh

Respondent : State and anr

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

ORDER

S.B.CRIMINAL MISC.

PETITION NO.495/2014 Jog Singh versus State of Rajasthan & Anr.

Date of order : 27.05.2014 PRESENT HON'BLE Mr.JUSTICE VIJAY BISHNOI
Mr.N.S.Rajpurohit for petitioner.

Mr.R.K.Bohra, Public Prosecutor.

Mr.B.L.Bishnoi for respondents.

Mr.Raju Ram, S.H.O., Police Station Shivpura present in person.

BY THE COURT: This criminal misc.

petition under Section 482 Cr.P.C.has been preferred by the petitioner for quashing FIR No.2/14 dated 5.1.2014 pertaining to Police Station Shivpura, District Pali for the offences punishable under Sections 420, 406, 467, 468 and 471 I.P.C.Learned counsel for the petitioner has submitted that the land in question was sold by his nephew Nathraj Singh on the basis of power of attorney executed by the petitioner in his favour on 27.6.2011.

It is contended by learned counsel for the petitioner that after executing the power of attorney on 27.6.2011, he has revoked the same on 2.7.2011, however, the said 2 power of attorney holder Nathraj Singh misused the power of attorney and sold the land in question despite the fact that the power of attorney has already been revoked.

The learned counsel for the petitioner has further contended that the petitioner has not committed any offence as alleged in the FIR, therefore, the impugned FIR may be quashed.

The learned Public Prosecutor has submitted that, in fact, the petitioner has obtained loan by mortgaging the land in question from the Bank in the year 2007 and though the said loan was not repaid and the land in question was mortgaged in the bank, the power of attorney of the petitioner has sold the land in question to the complainant and, therefore, has committed the offence of cheating.

It is also informed by the learned counsel for the petitioner that during the couRs.of interrogation by the police, the petitioner has not stated that the power of attorney executed by him in favour of Nathraj Singh has been revoked by him on 2.7.2011.

The learned Public Prosecutor has, therefore, prayed that the allegations levelled 3 in the impugned FIR prima facie constitute offence and, therefore, this criminal misc.

petition may kindly be dismissed.

Heard learned counsel for the petitioner, learned Public Prosecutor and learned counsel for the complainant and perused the case diary.

It is not in dispute that the petitioner took loan, by mortgaging the land in question, from the Bank in the year 2007 and till date, the said loan has not been repaid.

It is also not in dispute that the petitioner has executed power of attorney in favour of his nephew Nathraj Singh and there is no material available on record to prove that the said power of attorney has been revoked by the petitioner before execution of the sale deed in favour of the complainant.

In view of above circumstances, this Court does not find any merit in this criminal misc.

petition.

Hence, the same is hereby dismissed.

The stay petition is also dismissed.

The factual report be taken on record.

[VIJAY BISHNOI],J.

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