

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11627 of 2012
Date of decision : 28.08.2015

Navjot Singh and ors.

...Petitioners

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B. S. Seemar, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Malkit Singh

Mr. Kuldeep Joshi, Advocate
for Mr. A. S. Dhaliwal, Advocate for the respondent No.2

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.176 dated 26.12.2011, registered under Sections 380/451 of the Indian Penal Code (for short 'the IPC'), at Police Station City South, Moga and all consequential proceedings arising therefrom.

Learned counsel for the petitioners contends that the alleged occurrence took place on 10.03.2002 whereas the FIR was registered on 26.12.2011 i.e. after a delay of 9 years. He states that petitioner No.1-Navjot

Singh was aged 11 years at the time of alleged occurrence. He further submits that the house in question was purchased by Rattan Kaur, grandmother of the petitioner No.3 on 24.10.1975. However, she died on 26.02.1993. The will dated 18.02.1980 was executed by the deceased Rattan Kaur whereby an equal distribution of the land was carried out among all the three sons of the deceased namely Sardool Singh, Surjit Singh and Harnek Singh and the house in question was given to the petitioner No.3. Further submits that a civil suit was preferred by the petitioner No.3 wherein the status quo order has been passed. As per the FIR, the only allegation is that the locks of house of respondent No.2 were broken and articles lying in the house had been misappropriated whereas the perusal of challan reveals that no articles have allegedly been misappropriated. There is no explanation for the inordinate delay in the lodging of FIR.

Learned counsel for the respondent No.2 states that the alleged will was forged by the petitioners. The petitioners had broken the locks of house of respondent No.2 and removed the articles.

Learned State counsel submits that no recovery was effected from the petitioners.

Heard.

The dispute essentially pertains to the house in question left by Rattan Kaur, the deceased of grandmother of petitioner No.3.

Keeping in view the fact that there is an inordinate delay of

nine years in lodging the FIR, the material contradiction in the FIR as well as in the challan, that no recovery was effected from the petitioners and the fact that the petitioner No.1-Navjot Singh was 11 years old at the time of alleged occurrence, this Court feels that it is a fit case where the jurisdiction under Section 482 Cr.P.C. deserved to be exercised in the interest of justice.

Accordingly, the instant petition is allowed. FIR No.176 dated 26.12.2011 registered under Sections 380/451 IPC at Police Station City South, Moga and all consequential proceedings arising therefrom are hereby quashed qua the present petitioner(s).

28.08.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**