

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

CRL. MISC. No.M-30077 OF 2010 (O&M)
DATE OF DECISION : 5th MAY, 2015

Jaspreet Singh & others

.... Petitioners

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. A. S. Tewatia, Advocate for the petitioners.

Mr. P. S. Sullar, Additional Advocate General, Haryana.

* * * *

SURINDER GUPTA, J. (ORAL)

Heard.

Learned counsel for the petitioners argues that FIR No.22 dated 03.02.2010 was registered at Police Station Pinjore for offences punishable under Sections 447, 427 and 506 IPC on the complaint made by Amit Gupta-respondent No.3 which reads as follows:

“I am owner of Hotel Tourist constructed adjoining to garden which has been rented out to Sh. Ashok Kumar against whom ejectment petition is pending in the Panchkula Court. The next date of hearing is 15.02.2010 in the Court of Ms. Raj Gupta. Some unknown caller informed on phone around 3.00 P.M. that some persons including Ashok Kumar are trying to sell some part of land

under my ownership and are in the process of taking forcible possession and are trying to demolish and threatening to kill us. It is requested that immediate action be taken.”

In the aforesaid complaint the petitioners were not named and the entire dispute was with one Ashok Kumar. The petitioners had also filed civil suit in the Court of Civil Judge (Sr. Division), Panchkula (Annexure P- 1) wherein only petitioner No.1-Jaspreet Singh @ Bobby was arrayed as one of the defendants and other petitioners were not even arrayed as party or any allegation was levelled against them. In that suit vide order dated 05.03.2010 (Annexure P- 3) the application filed by respondent No.3-Amit Gupta under Order 39 Rules 1 and 2 CPC was dismissed and the entire plea raised by respondent No.3 qua his title and possession over the suit property, was disbelieved. Respondent No.3 filed appeal against order dated 05.03.2010 and the appeal was also dismissed vide order dated 19.03.2011. The revision petition bearing CR No.3810 of 2011 filed by respondent No.3 was disposed of by this Court vide order dated 04.03.2013 directing the parties to maintain status quo and the trial Court was directed to dispose of the suit within six months. It is submitted that the civil suit had also been dismissed.

Challan against the petitioners was presented with allegation that they were party with Ashok Kumar and Jugal Kishore in demolishing the hotel building. The FIR in this case was registered on the complaint (Annexure P- 4) wherein only Ashok Kumar had been named. The parties

have also been pursuing their relief before the civil Court. The petitioners were not named in the FIR and no allegations were levelled against them even in the civil suit which was filed after the registration of the FIR.

From the above facts, it appears that respondent No.3 has tried to implicate the petitioners in dispute with Ashok Kumar and Jugal Kishore. No prima facie case against the petitioners is disclosed.

Keeping in view all the above facts and circumstances, I am of the considered opinion that FIR bearing No.22 dated 03.02.2010 and presentation of the Challan by the police against the petitioner is sheer misuse of the process of law. Accordingly, the instant petition is allowed and the FIR No.22 dated 03.02.2010 registered at Police Station Pinjore is quashed along with all consequential proceedings qua the petitioners.

5th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE