

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-33991 of 2012 (O&M)
Date of Decision: January 07, 2015

Satpal Thakran

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.K.Hooda, Advocate
for the petitioner.

Mr.Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr.S.N.Yadav, Advocate
for respondents No.3 and 4.

Mr.Sandeep Virmani, Advocate
for respondents No.5.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.375 dated 10.10.2012 under Sections 147, 149, 452, 506 and 427 IPC registered at Police Station Sadar Gurgaon, District Gurgaon.

It is mainly stated in the petition that petitioner is the elected President of the Society registered in the name of Mayfield Gardens Resident Welfare Association, Sector-51, Gurgaon. In General House meeting held on 09.04.2012, ₹1000/- per month per flat was fixed as maintenance charges for the purpose of smooth

working and welfare of the society. In the month of July 2012, transformer of the electric line of the society was burnt due to fault and there was no light in the society. A meeting was held on 08.07.2012 for the arrangement of new electric transformer and for arrangement of water for the use of society members etc. It is also stated in the petition that as per bylaws of the society, if a person fails to make the required payment as per decision of the society, then action can be taken against the member of the society for recovery of arrears by disconnecting electricity and water supply to the dwelling unit, blocking its sewerage outflow etc.

Notice of motion was issued and learned State counsel well as learned counsel for respondents No.3 to 5 appeared and contested the petition and replies were also filed.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

First of all, it has brought to the notice of this Court that in the present case, challan has already been presented and charge has already been framed against the present petitioner. It has also been brought to the notice of this Court that only two PWs remain to be examined and remaining all the PWs have already been examined, which means that the Court has already taken the cognizance and the trial is going to be completed in a short time. Secondly, the dispute between the parties is whether the present petitioner is President of the society, whether he has any right to disconnect the electricity connection, whether Executive Committee has passed any resolution

etc. authorizing the present petitioner. As per the allegations in the FIR, the electric connection was disconnected, threats to kill were given and there are also allegations regarding entering in the house of the complainant illegally and damaging the property etc. All these facts are to be determined by the trial Court on the basis of evidence. At this stage, in no way it can be held that it is a false case nor it can be held that present petitioner can enter the house or can disconnect the electric connection etc. and he has acted as per law. All these findings are to be given by the trial Court. Otherwise also, the trial is likely to complete shortly as only two PWs remain to be examined.

So, from the record, in no way, it can be held that the registration of the FIR against the present petitioner is abuse/misuse of the process of the law.

Therefore, finding no merit in the present petition, the same is dismissed.

January 07, 2015
Vgulati

(INDERJIT SINGH)
JUDGE