

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-31161 of 2015
Date of Decision:-30.10.2015

Inderjit Singh & others

...Petitioners

Versus

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

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| 1. Whether Reporters of local papers may be allowed to see the judgment? | Yes |
| 2. To be referred to the Reporters or not? | |
| 3. Whether the judgment should be reported in the Digest? | Yes |

Present:- Mr. Dinesh Arora, Advocate,
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Sanjiv Gupta, Advocate,
for respondents No.2 and 4.

Mr. V.K.Mehra, Advocate for
Mr. P.K.Ganga, Advocate,
for respondent No.3.

SHEKHER DHAWAN, J.

Present petition under Section 482 Cr.P.C. for quashing of FIR
No.161 dated 23.05.2015 under Sections 447, 506, 34 IPC registered at
Police Station Sirsa Sadar, District Sirsa.

2. Relevant facts of the case that originally present FIR was
registered under Sections 447/506/34 IPC. The matter was investigated by
the police and as per reply filed by the State, no case is made out for
commission of offence under Section 447 of IPC and petitioners are now to
face trial for commission of offence under Section 506/34 IPC only.

3. Learned counsel for the petitioners submitted that present case
is based on civil dispute only and registration of FIR for commission of

offence under Sections 447/506/34 IPC is sheer misuse of process of law. The version of petitioners has been found to be correct and that is why Section 447 of IPC has already been deleted. Section 506 IPC is for just covering the main offence under Section 447 IPC and to convert the same into non bailable offence which is not permissible as per law. On this point, learned counsel for the petitioners placed reliance upon judgment of Hon'ble Supreme Court **M/s Indian Oil Corporation Vs. M/s NEPC India Ltd. and ors. 2006 (3) RCR (Criminal) 740** wherein Hon'ble Supreme Court observed that the complaints related to purely contractual disputes of a civil nature, criminal proceedings are to be quashed.

4. Learned State Counsel as well as learned counsel for complainant submitted that the investigating agency has already presented challan under Section 506/34 IPC and there are no grounds for quashing of present FIR under Section 482 Cr.P.C. Powers under Section 482 Cr.P.C. for quashing of FIR is not to be exercised in a routine manner but only in exceptional cases. More so, petitioners can take all these pleas at the time of arguments on the point of framing of charge, before the trial Judge and the present petition is not maintainable and same be dismissed.

5. Having considered the above facts that FIR was registered at the instance of Amarjit Kaur on the ground that applicants are in cultivating possession of land comprised in rectangle No.16 Killa No.11 (8-0), 21(7-7), 23/115(6-6), 16(6) 17,(6-2) 23/2(2-12), 24 and 25(16-0) total No.13 measuring 71-19 revenue estate Mohamad Salarpur. Accused persons created disturbance in cultivating the above said land and whenever they went to their field they tried to manhandle them. Applicants used to threaten them whenever they visited the spot. Application was filed in

police station for registration of FIR upon which FIR bearing No.161 dated 23.05.2015 under Sections 447/506/34 IPC, Police Station Sirsa Sadar, Sirsa was registered and the matter was investigated. After thorough investigation, offence under Section 447 of IPC has not been made out. Meaning thereby the main version of complainant has not been proved to be correct. As regard to allegation for commission of offence under Section 506 IPC is concerned, the same is just a general and passing reference that complainant was being threatened whenever they used to visit their land. There are no specific allegations that when the complainant was threatened and what was the extent of threat and alarm in her mind. That way even the basic ingredients of offence under Sections 506/34 IPC are not met with and continuation of proceedings under Sections 506/34 IPC on the basis of present FIR is complete misuse of the process of law.

6. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings were laid down by Hon'ble Supreme Court in case **Madhavrao Jiwaji Rao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988(1) SCC 692** that a complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused. Applying the same principles of law in this case that even if the entire complaint is taken as it is, no case is made out for commission of offence under Sections 506/34 IPC as well.

7. As per view taken by Hon'ble Supreme Court in case **Madhavrao Jiwaji Rao Scindia** (Supra), a complaint may also be quashed where it is a case of abuse of the process of law. If criminal proceedings are

found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable, the said proceedings to be quashed. The facts of the case in hand are identical. The main offence under Section 447 IPC has already been investigated by the police and the same was found to be incorrect and the offence under Sections 506/34 IPC is not made out.

8. If the entire complaint taken as it is continuation of the proceedings on the basis of present FIR shall be a clear abuse of the process of the Court and as such exercising the powers under Section 482 Cr.P.C., FIR No.161 dated 23.05.2015 under Sections 447, 506, 34 IPC registered at Police Station, Sirsa Sadar, District Sirsa and all other consequential proceedings arising thereto are hereby quashed.

October 30, 2015

msd

(SHEKHER DHAWAN)
JUDGE