

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-39867 of 2012 (O&M)
Date of Decision: September 22, 2015

Ramesh Singh

...Petitioner

VERSUS

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.S.Rai, Advocate
for the petitioner.

Ms.Priyanka Sadar, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.K.S.Brar, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.52 dated 12.04.2012 under Sections 420, 465, 467, 468, 471 and 120-B, registered at Police Station Sadar Jalalabad, District Fazilka.

Notice of motion was issued and learned State counsel appeared and contested the petition.

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

From the record, I find that FIR was registered on the statement of respondent No.2-Gurcharan Singh. According to the

FIR, the allegation against the petitioner and one Basti Ram is that they have tampered the revenue record in connivance with each other and changed the khasra girdwari of land measuring 8 kanals. It is stated in the petition that regarding the allegation, an application was made to Punjab Human Rights Commission, Chandigarh by complainant Gurcharan Singh, which was enquired by SP, Abohar, who summoned both the parties and after enquiring into the matter, came to the conclusion that allegations against petitioner Ramesh Singh and one Basti Ram are false. The enquiry report has been placed on record as Annexure P-2. It is further stated in the petition that respondent No.2 moved another application to DSP, Jalalabad, who enquired into it at his own level and he came to the conclusion that no allegation has been proved against Ramesh Singh and Basti Ram Patwari, which is Annexure P-3. It is also the case of the petitioner that respondent No.2 and his son Gurmej Singh and others ploughed the wheat crop of the petitioner regarding which FIR No.194 dated 09.12.2010 was got registered by present petitioner Ramesh Singh and respondent No.2 has got registered the present FIR only to harass the petitioner and it is a counter blast. It is stated in the petition that SDM, Jalalabad submitted report to Deputy Commissioner, Fazilka that no offence is made out against Basti Ram Patwari. It is further stated that one civil suit filed by Gurmej Singh son of Gurcharan Singh is pending before learned Addl. Civil Judge (Senior Division), Jalalabad.

In the reply by private respondent No.2, it is stated that the

petitioner has not been falsely implicated in this case. The FIR under consideration was registered after the enquiry conducted by SP (Head Quarter) Fazilka as representation was filed by respondent No.2 to DIG, Ferozepur Range. It is also stated in the reply that petitioner in this petition and non-applicant Basti Ram have tampered the revenue record in connivance with each other. It is also stated that the petitioner has concealed from the Court and has mentioned only one enquiry by SP, Abohar, which was not fair and the answering respondent moved another representation to DIG, Ferozepur Range and it is mentioned in the FIR itself that a team was constituted to re-enquire into the matter. The enquiry was conducted by SP(S) Fazilka and it is mentioned that all the persons mentioned in the application moved by answering respondent are not residing in the village Bhage Ke Bheeter and also it is proved that no spot inspection was done and Ramesh Singh and Basti Ram in connivance with each other have tampered the revenue record in their name and in compliance of the said report, present FIR was registered.

After going through the record and after hearing learned counsel for the parties, I find that the parties are in dispute regarding the factual position i.e. whether petitioner and one Basti Ram tampered with the revenue record or not, regarding which, firstly there is enquiry in favour of the petitioner but later on, not satisfied with the earlier enquiry report, another enquiry was conducted and it was found in that enquiry that the petitioner along with Basti Ram has tampered the revenue record, on the basis of which present FIR has

been registered.

The finding of fact cannot be given in the quashing petition by holding that averments in the FIR are true one or false one. These findings can be given only on the basis of the evidence which is to be produced before the trial Court. At this stage, it cannot be held that no offence is made out from the FIR and from the record, it cannot be held that registration of the present FIR amounts to misuse of process of the law.

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

September 22, 2015
Vgulati

(INDERJIT SINGH)
JUDGE