

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-41167-2015

Date of decision: December 05, 2015

Harmail Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ish Puneet Singh, Advocate for

Ms. Jatinder Jit Kaur, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Petitioner has sought quashing of FIR No.63 dated 03.05.2015, registered against the petitioner under sections 447, 511, 120-B IPC at Police Station Dehlon, District Ludhiana City.

Learned counsel for the petitioner vehemently asserts that from a perusal of the FIR, no offence is made out. Petitioner has been falsely implicated. The Jamabandi and Khasra Girdawari show that predecessors-in-interest of the petitioner were in possession of the land in question, yet the police has registered the FIR. Same deserves to be quashed. According to him, there is inordinate delay in lodging the FIR.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR was lodged by Rajinder Kaur stating that she is a widow lady. Her husband sold the property in question to Amarjit Singh, who was in cultivating possession. Balbir Kaur, Manjit Kaur and Rachhpal Kaur had filed a suit for possession of the land in question. Same was

decreed by the civil court on 4.2.2013. Appeal was pending before the appellate court. On 14.6.2014, Harmail Singh (petitioner herein) alongwith certain muscle-men tried to dispossess the complainant of the property in question. According to complainant, a .315 bore rifle was recovered by the police from the petitioner. On this complaint, matter was examined by the police, where after Deputy Commissioner of Police, Ludhiana recommended for registration of FIR under sections 447, 511 & 120-B IPC. Learned counsel for the petitioner has assailed the FIR on the basis of factual averments. Admittedly, investigation of the case is still pending. At the stage of investigation, it is not possible for this court to opine whether contents of the FIR are false or frivolous. From reading of the FIR it cannot be said that no offence is made out. Complainant has levelled certain serious allegations against the petitioner of an attempt to dispossess her from the property in question. Besides, investigation is still pending. The result thereof is not known. It is inexplicable why this petition has been preferred at the stage when investigation is in progress. Petition is totally frivolous and is hereby dismissed.

This tendency of invoking the jurisdiction of this court at the stage of investigation by raising mere factual issues needs to be discouraged. Present petition is dismissed with Rs.10,000/- as costs. Same be remitted to Punjab State Legal Services Authority.

(RAJAN GUPTA)
JUDGE

December 05, 2015
'Rajpal'