

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : August 25, 2015

1. CRM-M No. 43023 of 2014 (O&M)

Jasbir Kaur vs State of Haryana

2. CRM-M No.1403 of 2015 (O&M)

Jagbachan Singh vs State of Haryana and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vishavdeep Singh, Advocate
for Mr. Saurabh Bhardwaj, Advocate
for the petitioner in CRM-M No.43023 of 2014.

Mr. Yogesh Saini, Advocate
for the petitioner in CRM-M No.1403 of 2015.

Ms. Supriya Arora, AAG Haryana

Mr. Rakesh Gupta, Advocate
for the complainant.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRM-M Nos. 43023 of 2014 and 1403 of 2015.

Prayer in these petitions is for quashing of FIR No.101, dated 12.02.2014, registered under Sections 420, 467, 468, 471, 120-B of the IPC, at Police Station City Thanesar.

As per allegations in the FIR, the complainant had purchased

the land from one Balwant Singh in the year 1992 but when he went to the spot after 20 years in 2012, he found that the accused had constructed a shop thereon. As per the complainant, the petitioners had forged the record relating to the ownership of Jasvir Kaur and had fraudulently transacted the sale with respect to the land belonging to the complainant.

Counsel for the petitioners have argued that even as per the reply and as per the jamabandi (Annexure P-2) it is accepted that Jasvir Kaur was also one of the co-sharers of the khasra number and, therefore, the petitioners had a right to transact the sale of the land. Further, in a suit filed by the petitioner, the Civil Court has granted him injunction against dis-possession.

Counsel for the complainant, as well as counsel for the State of Haryana are not in a position to deny these factual averments.

Once these essential facts are not disputed and a civil suit with respect to the same property is already pending where the petitioner has been granted temporary injunction, it is clear that the dispute is of civil nature. It is also not disputed that the land till date is un-partitioned. In these circumstances, I find that criminal proceedings against the petitioners are an abuse of the process of law. Consequently, these petitions are allowed and FIR No.101, dated 12.02.2014, registered under Sections 420, 467, 468, 471, 120-B of the IPC, at Police Station City Thanesar along with all subsequent proceedings is quashed.

(AJAY TEWARI)
JUDGE

August 25, 2015
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