

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-6078-2015

Date of decision : 25.02.2015

Balwinder Kaur Sarpanch and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.S.S.Toor, Advocate
for the petitioners.

REKHA MITTAL, J.(ORAL)

The petitioners have filed the instant petition under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') for quashing of FIR No.57 dated 18.06.2014 registered in Police Station Balongi for offence punishable under Sections 13(A)(2) of the Punjab Village Common Lands Act 1961, 447 of the Indian Penal Code and letter dated 28.01.2015 issued by respondent No.2.

Counsel for the petitioners contends that during investigation in the aforesaid FIR, SHO of the concerned Police Station conducted an inquiry exonerating the petitioners of their culpability and the report was approved by the Deputy Superintendent of Police, Sub Division Kharar and the petitioners were declared innocent. On completion of investigation, challan has been presented only qua one Govardhan Giri son of Charan Nath Giri and the petitioners have not been indicted in the crime. It is further argued that despite a clean chit being given to the petitioners by the

investigating agency, action is sought to be initiated against them on the basis of report given by respondent No.2.

I have heard counsel for the petitioners and find no reason to entertain the petition.

Concededly, no action has been initiated against the petitioners on the basis of FIR No.57 dated 18.06.2014 registered at Police Station Balongi wherein report under Section 173 Cr.P.C. has been submitted only against Goverdhan Giri. If the departmental authority has sought to initiate action against the petitioners on the same set of allegations or otherwise, the petitioners, if so advised, may take recourse to appropriate remedy, in accordance with law.

In view of what has been discussed hereinabove, the petition is dismissed without prejudice to rights of the petitioners to take recourse to alternative remedy, in accordance with law.

(REKHA MITTAL)
JUDGE

February 25, 2015.

DK