

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-8770 of 2014(O&M)

Date of decision: 05.02.2015

Balbir Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.S.Bains, Advocate for the petitioners
Mr.Ashish Sanghi, DAG Punjab

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?*

Kuldip Singh, J. (Oral)

Petitioners seek quashing of FIR No.150 dated 1.12.2011 under Sections 420, 465, 466, 468, 471, 120B IPC and Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 registered at Police Station Lopoke, District Amritsar (Rural).

As per allegations levelled in the FIR, Ajit Singh and his son Balbir Singh had no concern with the land bearing khasra Nos.1/7(2-6), 8(2-3), 13(6-13), 14(7-11), 17(8-0), 18(4-4), 24(6-19), 25/1 consisting of 39 kanal situated at village Kumaska Tehsil Ajnala District Amritsar. Matter was decided against Ajit Singh and others vide order dated 11.10.2004 (Annexure P3) passed by Collector Panchayat Land Jalandhar/ Amritsar. Appeal was dismissed by the Commissioner-cum-Director on 5.10.2007 (Annexure P4). Ajit Singh

and others filed Civil Writ Petition No.18932 of 2007 in this High Court, in which, notice has been issued. It is alleged that Ajit Singh forcibly encroached upon the land and got the *girdawri* corrected in his name since *Kharif* 1985 and entry made in the *Jamabandi* for the year 1989-90. Ajit Singh sold the said disputed land to his own son Balbir Singh in collusion with the revenue department and ex-Sarpanch Banta Singh. Therefore, it was requested that FIR should be registered against the seller, buyer, verifier and witnesses of the said sale deed. In this case, Balbir Singh (petitioner No.1) is the purchaser, whereas petitioner Nos.2 and 3 are the attesting witnesses of said sale deed.

A perusal of the FIR shows that Ajit Singh had claimed title over the land which the Gram Panchayat claimed to be in its ownership. Claim was not accepted by the lower authorities. However, writ petition is filed in this High Court, in which, operation of the orders passed by lower Courts have been stayed vide order dated 17.12.2007 (Annexure P5). The writ petition being admitted is still pending for adjudication. Therefore, the fact would remain that there was a disputed question of title over the disputed property and Ajit Singh sold the said land to his son Balbir Singh (petitioner No.1). Petitioner Nos.2 and 3 are the witnesses of the sale deed. In case of sale of the land subject matter of dispute, no offence under Sections 420, 465, 466, 468, 471, 120B IPC and under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 can be stated to have been made out. At the most, if Ajit Singh loses his case, no title will be conferred on his son Balbir Singh (petitioner No.1).

Learned State counsel has informed that Ajit Singh has died and in that case his successors will not get any title over the disputed property and the buyer Balbir Singh (petitioner No.1) also will not get any title.

From the contents of FIR, no criminal offence as stated there is made out. Accordingly, FIR No.150 dated 1.12.2011 under Sections 420, 465, 466, 468, 471, 120B IPC and Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 registered at Police Station Lopoke, District Amritsar (Rural) along with the consequential proceedings stands quashed.

Petition is accordingly allowed.

05.02.2015

gk

(Kuldip Singh)
Judge