

**280 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No. 1407 of 2013 (O&M)
Date of Decision : 26.07.2016**

Shavinder Kaur and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jagdeep S.Virk, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.104 dated 06.09.2011 registered under Sections 420/467/468/471/120-B IPC, at Police Station Civil Lines Bathinda and all other consequential proceedings arising therefrom.

As per the allegations in the FIR, the petitioner No.2 had purchased 229 sq. yards of land by sale deed dated 22.11.2004. In 2004

he executed a sale deed in favour of petitioner No.1 (his mother) and in that, he sold an area of 489 sq. yards in connivance with the Government officials so that the petitioner No.1 could encroach upon the Government land.

Learned counsel for the petitioners has argued that the mentioning of 489 sq. yards in the sale deed executed by petitioner No.2 in favour of petitioner No.1 in the year 2004 was an inadvertent mistake and within a short while thereafter petitioner No.1 had made an application to the municipal authorities clearly mentioning that that mistake had occurred in the sale deed and prayed that the sale deed be corrected. As per him the complainant in this case is the brother of a person against whom the petitioner No.1 had obtained a decree of eviction and it is on account of this enmity that this false FIR has been registered.

In the reply filed by the respondent No.1 these facts have not been denied though it is sought to be argued that the application for correction was made by the petitioners only because of fear of implication in a criminal case.

In my considered opinion once the respondent No.1 does not dispute that within a short time an application had been filed for

correction, then there was no occasion to have lodged the FIR after more than 6 years without taking this fact into consideration. In the challan also there is no allegation that any encroachment has been made by the petitioners over any government land. Learned counsel for the petitioners has relied upon *State of Haryana Vs. Bhajan Lal, 1992 Supp (1) Supreme Court Cases, 335*.

Learned Deputy Advocate General has accepted the assertions of fact.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

July 26, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No