

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

CRM M-1550 of 2013

Date of decision : 29.01.2016

Raj Gaur

....Petitioner

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. APS Deol, Sr. Advocate with
Mr. Vishal Rattan, Advocate for the petitioner.

Mr. Sushil Gautam, DAG Haryana.

Mr. Anshuman Narula, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioner has sought quashing of FIR registered under sections 420, 467, 468 & 471 IPC and all consequent proceedings.

Mr. Deol, learned counsel for the petitioner has stressed that the entire dispute is civil in nature. FIR has been registered by the police by relying on wrong calculation of share of the parties in the land in question. They even entered into a compromise during the proceedings. Besides, there is no question of commission of offence of forgery. Thus, FIR and all consequent proceedings need to be quashed.

Prayer has been opposed by learned State counsel. According to him, challan has been presented after thorough investigation. Factual pleas have been raised in the petition which cannot be gone into in inherent jurisdiction of this court.

I have heard learned counsel for the parties.

FIR was lodged by Sarbjeet Kaur. She stated that Nirmal Gaur @ Nirmal Kaur wife of petitioner became owner of land measuring 9 kanals 15½ marlas in view of registered sale-deed, Annexures P-1, P-2 & compromise, Annexure P-4). Petitioner being attorney of wife Nirmal Gaur had sold certain land. Complaint was filed on the ground that he had sold more than due share of his wife Nirmal Gaur. According to reply filed by State, matter was inquired into by Economic Offences Wing, Kurukshetra. It was found that petitioner who was husband and power of attorney of Nirmal Kaur @ Nirmal Gaur had sold 7 kanals 41½ marlas of land including land reserved for the path. Thus, he had sold 33 marlas in excess of share of his wife. On the basis of inquiry, FIR No. 246 dated 02.08.2012 was registered at police station Thanesar. Investigation ensued. Investigating agency came to the conclusion that petitioner had sold land owned by his wife to different persons in a dishonest manner. While issuing notice of motion, this court had stayed further proceedings before the trial court.

On due consideration of the matter, I am of the view that no interference is called for in inherent jurisdiction of this court. It is not possible for this court to give a finding on the basis of affidavits filed by the petitioner or the investigating agency. Petition is, thus, dismissed. However, petitioner would be at liberty to raise all the pleas before the trial court at the time of consideration of charge.

Petitioner is stated to be 60 years old. In case an application for exemption from personal appearance is moved by him before the court below, it may consider the same in accordance

with law. Trial court may exempt the petitioner from personal appearance except on the dates his presence is necessary.

January 29, 2016

Ajay

(RAJAN GUPTA)
JUDGE