

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-15897 of 2013 (O&M)

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Date of decision:3.2.2016

Jagan Nath

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

(2) Criminal Misc. No.M-11206 of 2014

.....

Vishal Bansal

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Yogesh Goel, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Nitin Thatai, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This order will dispose of above mentioned two petitions filed under Section 482 Cr.P.C. praying for quashing of FIR No.111 dated 23.5.2012 (Annexure-P.1) registered for the offences under Sections 420 and 120-B IPC at Police Station Salem Tabri, District Ludhiana and all subsequent proceedings arising therefrom, as being sheer abuse of the

process of law.

Notice of motion was issued in these petitions. Mr. Vanun Sharma, learned Assistant Advocate General, Punjab, has put in appearance on behalf of the respondent-State and Mr. Nitin Thatai, learned Advocate has appeared for respondent No.2 and have contested these petitions.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record. Replies have also been filed.

At the time of arguments, learned counsel for the petitioners mainly argued that no offence is made out from the perusal of the FIR.

I have gone through the FIR. As per the FIR, a complaint was filed against the present petitioners as well as other persons for committing offences of impersonation, cheating, forgery of valuable security etc. in connivance with each other for making wrongful gains with a view to cause wrongful loss to Shri Gau Rakshni Sabha (Regd.), Gaushala Road, Ludhiana (hereinafter referred to as 'the Sabha'). It is stated in the FIR that the Sabha is a society duly registered under the Societies Registration Act, 1860 (hereinafter referred to as 'the Act'). The Society owns several immovable properties including land measuring 17 Kanals 17 Marlas. The complainant came to know that land measuring 2 Kanals out of 17 Kanals 17 Marlas had been allegedly sold by one Vishal Bansal representing himself to be authorized person on the basis of false and fabricated copy of resolution dated 13.4.2012. The land aforesaid has been shown to have

been sold in favour of Jagan Nath for consideration of ₹18 Lakhs. There being deficiency in stamp papers, the value had been assessed to be ₹23,70,000/-, for which stamp duty of ₹45,600/- had been paid on 16.4.2012, which was registered by Shri Gursewak Singh Sidhu, Sub-Registrar (East), Ludhiana. The sale deed was signed by Jagan Nath as purchaser and attested by Mohinder Ram and Bhupinder Singh, Namberdar. It is also stated in the FIR that the land has been shown in the revenue record as 'BAIHTMAM' and it cannot be sold. No resolution has ever been passed for selling any property. Their constitution also does not permit sale of any immovable property.

A perusal of the FIR and the other documents on record nowhere show that no offence is made out from the perusal of the FIR. After completion of the investigation, challan has already been presented in the Court. In no way, it can be held that registration of present FIR amounts to misuse of the process of the law, when specifically asked to the learned counsel for the petitioner to show the receipt regarding deposit of sale consideration of ₹18 Lakhs in the Society etc., he could not show the receipt from the record for depositing this amount in the account of the private respondent. Further more, the learned counsel for the private respondent argued that Vishal Bansal had produced the resolution of some another Sabha which is not a registered one. Learned counsel for the private respondent also argued that the land stood in the name of Gau Rakshni Sabha (Regd.) in the revenue record continuously for the last so many years.

After hearing learned counsel for the parties and after going

through the record, I find that at this stage, in no way, it can be held that registration of the FIR in the present case amounts to miscarriage of justice or abuse of process of law nor it can be held that no offence is made out. As per the allegations both the petitioners in connivance with others have got executed the sale deed of the property of the private respondent.

Therefore, from the above, I find no ground for quashing of the FIR. Hence, from the above finding no merit in both the petitions, the same are dismissed.

February 3, 2016.

(Inderjit Singh)
Judge

hsp