

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1501 of 2016 (O&M)
Date of Decision: January 15, 2016

Nikunj Gupta and another

...Petitioner

VERSUS

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pankaj Maini, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.6 dated 18.01.2012 lodged against the petitioners and respondent No.3 at Police Station Phase-8, SAS Nagar, Mohali under Sections 353, 186 and 120-B IPC, on the directions of learned CJM, Mohali vide orders dated 21.12.2011 for violating the orders of the Court by obstructing the court official from executing the orders passed by learned lower Court on 14.01.2012 in execution petition No.47/06.08.2011, whereas the petitioner No.2 has already left the partnership firm in respect of demise premises, of which the orders were passed in respect of the partners of the firm, whereas petitioner No.1 has no role to play to obstruct the official of the Court as clear from the report lodged by respondent No.3 where he has cited the reasons for non-execution of the orders due to some cutting in the orders.

I have heard learned counsel for the petitioners and have

gone through the record.

From the record, I find that in the present case, challan has already been presented. The charges have already been framed against the accused persons and trial is going on. As argued, even three witnesses have already been examined, which means that the Court has already taken the cognizance in this case. The perusal of the FIR further shows that it has been registered on the complaint sent by Civil Judge (Junior Division) SAS Nagar, Mohali to SSP. The perusal of the FIR, in no way, shows that no offence is made out nor in any way, it can be held that the lodging the FIR amounts to misuse of process of law or miscarriage of justice. As per the facts of the case, the warrant of possession by breaking the lock has been issued in due course of law vide order dated 10.12.2011 and Sh.Om Parkash, Bailiff, in compliance of said warrant of possession, got delivered the possession to decree holder but the possession of the said premises in dispute was restored to JDs by SI Gurmeet Singh and violated the warrant of possession.

As regarding version of the accused, it will be seen only when the accused-petitioners would lead evidence in defence. At this stage, without any evidence produced in defence, the version of accused cannot be looked into in these proceedings by this Court.

In view of the above discussion, I find that no ground is made out to quash the FIR in the present case. Therefore, finding no merit in the present petition, the same is dismissed.

January 15, 2016

Vgulati

**(INDERJIT SINGH)
JUDGE**