

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18307 of 2014

.....

Date of decision:8.11.2016

Jagdish Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

.....

Present: Mr. Karan Chaudhary, Advocate for the petitioners.

Mr. D.S. Virk, Assistant Advocate General, Punjab
for the respondent-State.

Mr. N.S. Sidhu, Advocate for respondent No.4.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.14 dated 7.2.2014 (Annexure-P.1) registered for the offences under Sections 447, 511 and 506 IPC at Police Station Old Shalley/Purana Shalla, Tehsil and District Gurdaspur and consequential proceedings arising therefrom which was registered on the statement of respondent No.4 i.e. Jagpal Singh son of Surain Singh in order to harass the petitioners mentally, physically and to defame and malign their status and prestige in the society and to wreak vengeance and to usurp their land forcibly under the thumb of police pressure. It has been further prayed to direct the investigating agency not to proceed with further investigation till the final disposal of the present petition on merit.

From the record, I find that the FIR in the present case has been registered on the basis of application given by complainant-Jagpal Singh, who stated that he along with his brother Mulakh Raj own a plot/land measuring 1 Kanal 2 Marlas situated in Revenue Estate of Purana Shalla. They purchased the land and got sale deed registered and executed by Surjit Rai in their favour on 30.1.2013. They are owners of the above said plot and have sown sugarcane in it since last year. Earlier also, Balkar Singh and Jagdish Singh, Jaspal Singh, Paramjit Singh sons of Balkar Singh tried to do excess on them and they also filed a stay application in the Court of Civil Judge, Gurdaspur, which was dismissed. They are owners in possession of this land and mutation has also been entered in their name. Earlier Surjit Rai was owner and in cultivating possession. Now when they go to reap sugarcane, the above said persons abuse them and threaten to kill them. They have no connection with the land and they are harassing them intentionally.

Notice of motion has been issued in this case.

Mr. D.S. Virk, learned Assistant Advocate General, Punjab, has put in appearance on behalf of the respondent-State and Mr. N.S. Sidhu, learned Advocate has appeared for respondent No.4-complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Reply has also been filed by respondent No.4-complainant in detail stating as to how this land was earlier owned by Dass Mal and as to

how it came to Surjit Rai, who sold 1 Kanal 2 Marlas of land vide sale deed dated 30.1.2013 to respondent No.4 and since then he (complainant) is owner in possession of that land. It is also stated in the reply that Paramjit Singh being power of attorney, after cancellation of power of attorney, executed one sale deed in favour of his own father Balkar Singh. There is also mention of so many civil suits filed by Balkar Singh and the suit filed by Balkar Singh bearing No.263 of 2008 and against other co-sharers alleging same relief in the same manner stating the same facts as in the suit No.220 of 2008. The present petitioners are the sons of Balkar Singh. That suit was also dismissed vide order dated 30.9.2014 alleging therein that plaintiff-Balkar Singh cannot be said to be exclusive owner in possession of the suit land measuring 10 Kanals 16 Marlas. In the reply there is mention of other civil suits filed by Balkar Singh in which applications under Order 39 Rules 1 and 2 C.P.C. had also been dismissed. It is also stated that they are owners in possession of this land and mutation has been entered in their name. A perusal of the reply shows that the complainant is alleging owner in possession over the suit land and further that the accused have reaped the crop sown by the complainant.

These are the findings of fact which are to be given by the trial Court on the basis of evidence produced before it. At this stage, there is nothing from which it can be held that filing of present FIR amounts to abuse of the process of law or amounts to miscarriage of justice. From the perusal of the FIR, it also cannot be held that the dispute between the parties is of civil nature nor it can be held that no offence is made out at this stage.

[4]

Therefore, from the above, I do not find any ground to quash the FIR. Finding no merit in the petition, the same is dismissed.

November 8, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No