

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

CRM M-30673 of 2014

Date of decision : 11.03.2016

Hardev Singh

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Nakul Sharma, Advocate for
Mr. M.S. Sachdev, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Mr. M.S. Rakkar, Sr. Advocate with
Mr. J.S. Virk, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 109 dated 22.06.2014 registered under sections 447/427/511/34 IPC at police station Mehatpur, District Jalandhar and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that land in dispute has not been partitioned till now, thus, allegations leveled in the FIR are false. According to him, there has been an effort to implicate the petitioner by leveling allegations which are general in nature. Thus, FIR deserves to be quashed. He has relied upon judgment of this court titled as *Gurmeet Singh vs. Rachhpal Singh 2004(2) RCR (Criminal) 72*.

Learned State counsel has opposed the plea. According to him, allegations against the petitioner are serious. According to

him, charge has been framed in the case. His plea for quashing is, thus, mis-conceived.

Learned counsel appearing for respondent no. 2 has made submission on similar lines.

I have heard learned counsel for the parties.

FIR was lodged by respondent no. 2 alleging that on 20.06.2014 he was sleeping alongwith his family on roof top of his house situated in the fields. At about 4.00 A.M. petitioner alongwith 4/5 persons forcibly tried to plough his land which he had prepared for sowing paddy crop. When his wife and sister tried to stop the petitioner, he abused them and also extended threats. On registration of FIR, investigation ensued. After completion of investigation, challan against the accused was presented before the competent court on 05.03.2015. Admittedly, charge has already been framed and trial is in progress. There are factual issues involved regarding joint ownership of the land. In my considered view same can be decided only after evidence is led before the trial court. There is no ground to interfere in inherent jurisdiction. Judgment in Gurmeet Singh's case (supra) would be considered by the court below at the stage of final arguments. Dismissed.

March 11, 2016

Ajay

(RAJAN GUPTA)
JUDGE