

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-33062 of 2016

.....

Date of decision:19.9.2016

Himmat Singh

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. S.S. Momi, Advocate for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.151 dated 23.3.2016 (Annexure-P.1) registered for the offences under Sections 427, 447 and 34 IPC at Police Station Sahabad, District Kurukshetra on behalf of the petitioners, as the continuation of the same would tantamount to a gross abuse of process of law, resulting in a grave miscarriage of justice.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the FIR in the present case has been registered on the basis of written complaint against Jang Bahadur Singh, Pardeep Singh and Himmat Singh and unknown sons of Jang Bahadur Singh and other residents of Village Nalvi, Block Shahabad (M.) for

spraying wrong medicine on the crop of sunflower and causing loss by ruining the crop. It is stated in the FIR that the complainant owns agricultural land out of which, sunflower is sown in land measuring around 3½ acres. On 17.3.2016, when he went to his land at about 6.00 a.m., then he found that the above said accused with an intention to damage his sunflower crop and with an intention to cause loss to him, were spraying wrong medicine in his field by entering inside his fields.

Learned counsel for the petitioner argued that the civil litigation was pending and the possession is stated to be of all the accused. He argued that the complainant has intentionally did not mention any Khasra number in the FIR. He further argued that a DDR was also got registered against the complainant side of this case on the similar facts.

At the time of arguments, it is admitted that challan has not been presented so far. Investigation is going on. It is premature, at this stage, to say that it is a false complaint or a counter-blast as the investigation is going on. Therefore, at this stage, it also cannot be held that where the present petitioner was spraying wrong medicine is disputed property or the land owned or possessed by the complainant. All these facts are firstly to be seen by the Investigating Officer during the investigation. At this stage, in no way, it can be held that it is a false case. Similarly, from perusal of the FIR, at this stage, in no way, it can be held that no offence is made out.

Therefore, from the above, I find that, at this stage, it cannot be held that the registration of FIR is an abuse of the process of law or amounts

[3]

to miscarriage of justice. Hence, finding no merit in this petition, the same is dismissed at this stage.

September 19, 2016.

(Inderjit Singh)
Judge

hsp

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