

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

**CRM No.M-43601 of 2015 (O&M)  
Date of Decision: December 06, 2016**

Mukhtiar Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.J.S.Thind, Advocate  
for the petitioners.

Mr.P.S.Grewal, Deputy Advocate General, Punjab  
for the respondent-State.

Mr.L.M.Gulati, Advocate  
for respondent No.2.

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**INDERJIT SINGH, J.**

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Kashmir Singh, for quashing of FIR No.185 dated 05.09.2013 under Sections 447, 427 and 34 IPC registered at Police Station Jandiala Guru, District Amritsar Rural and also subsequent proceedings thereof.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel 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 application of the complainant, in which it is stated that the complainant has sown wheat crop in the land and before that he has sown mustard and cultivated the mustard crop and now they have perished by spreading spray upon the wheat crop. They want to perish their crop intentionally and regarding that, an application dated 20.03.2013 was given in the police chowki village Nawa Pind but the Chowki Incharge did not take any action because his daughter-in-law Bhupinder Kaur is posted as ASI at Maal Mandi. It is submitted that the matter be enquired and legal action be taken.

Learned counsel for the petitioners relied upon the copy of the sale deed, which is Annexure P-2, which shows that the land of 3 kanal 11 marla bearing Rect. 79//5/3(3-11) was purchased by the present petitioners. Annexure P-3 is the copy of jamabandi 2009-2010 showing the entry of purchase of khasra No.79//5/3(3-11), which has been sold to the present petitioners. Copy of the report by S.P., Police, Jandiala Guru to Senior Superintendent of Police, Amritsar Rural has also been placed on the record as Annexure P-4, in which, it is stated that after enquiry, it was found that the complaint in question is false.

Learned State counsel contended that in this case, after investigation, cancellation report was filed by the police but the Illaqa Magistrate passed the order for further investigation. Again, after further investigation, cancellation report has been filed before the Illaqa Magistrate, in which the notice has already been issued to the complainant.

Keeping in view the above facts and circumstances, in view of the fact that present petitioners have purchased the land in question in the year 1962 and since then, they are in possession and entries are also in the

revenue record and in view of the investigation in this case, I find that the registration of the FIR in the present case, is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is allowed. The FIR No.185 dated 05.09.2013 under Sections 447, 427 and 34 IPC registered at Police Station Jandiala Guru, District Amritsar Rural and all the subsequent proceedings arising therefrom, are hereby quashed.

December 06, 2016  
Vgulati

(INDERJIT SINGH)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |