

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

CRM-M-11368 of 2017

Date of Decision: May 30, 2017

Lichhma and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepak Kaushal, Advocate
for the petitioners.

FATEH DEEP SINGH, J.

The petitioners in all numbering seven who also happens to be accused in case got registered by way of an FIR No.140 dated 6.5.2015 under Sections 420,467,468,471,506 and 120-B IPC with Police Station City Dabwali, Annexure P/1 have sought to invoke the provisions of Section 482 Cr.P.C for quashment of FIR and all consequential proceedings arising therefrom.

The essential facts are that one Rakhan Dass and Jattan Dass were owners of 20 marlas of land detailed in the petition which was claimed to be under possession and cultivation of complainant Ram Kumar and his brother Harish Chander. It is alleged that the accused with the intention to commit fraud, deceit and to take over this property had fabricated fraudulently a sale deed bearing No.3503 dated 12.09.2013 in the names of Lichhma and Geeta Devi petitioner No.1 and 2 purported to have been executed by Rakhan Dass and Jattan Dass leading to sanction of mutation No.1769 alleging that the same was an outcome of impersonation

leading to registration of case.

The contentions of learned counsel for the petitioners that the petitioners have no locus standi to register an FIR as they do not happen to be the owners of the property in question and that it was a misuse of process of law. The law has been well settled that any person conversant with the facts can move the authorities for registration of criminal case and need not be the person who is an actual sufferer. More so, the question of locus standi of the complainant to file an FIR is subject matter of judicial adjudication which can only be brought about by leading evidence, thus, in the exercise of powers under Section 482 Cr.P.C as has been laid down in ratio2004(4) SCC 158 Court is not supposed to evaluate the evidence on merits rather there is impersonation, fraud and deceit which can be comprehensively dealt with after the parties will lead their evidence. Thus, the present petition being devoid of any merits stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

May 30, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No