

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-13054 of 2015 (O&M)

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Date of decision:24.3.2017

Gurbachan Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.K. Kapila, Advocate for the petitioner.

Mr. Deep Singh, Assistant Advocate General, Punjab for the respondent-State.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.195 dated 31.10.2013 (Annexure-P.9) registered for the offences under Sections 420 and 120-B IPC at Police Station City Jagraon, District Ludhiana (Rural) and all subsequent proceedings arising out of the same pending in the Court of Judicial Magistrate Ist Class, Ludhiana.

Notice of motion has been issued in this case.

Mr. Deep Singh, learned Assistant Advocate General, Punjab

has put in appearance on behalf of the respondent-State and contested this

petition. No one has appeared on behalf of respondent No.2 to contest this petition.

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

From the record, I find that in the present case as argued challan has already been presented and charges have not been framed so far.

A perusal of the FIR shows that it has been got registered against Gurbachan Singh by complainant-Harbhajan Singh. The complainant stated that he is a retired Head Constable from BSF and had been awarded national award by the Hon'ble President, Government of India. He asked for inquiring into his complaint. Then an inquiry was marked and during the inquiry, it was found by the Inquiry Officer that the complainant has alleged that Gurbachan Singh, Kehar Singh Numberdar etc. had fraudulently got registered a sale deed from him while acting in connivance with each other and they also threatened him. It is also the case of the complainant that a false and forged agreement to sell had been created by the accused and a civil suit had been filed regarding the land measuring 1 Kanal 12 Marlas and filed a case in the Court which was later on withdrawn. It is case of the complainant that he never executed any agreement to sell in favour of Gurbachan Singh and he had committed fraud with him. The complainant also produced photo copy of the agreement to sell before the Court.

After the investigation, challan has already been presented.

From the perusal of the FIR, in no way, it can be held, at this stage, that the

dispute between the parties is of civil nature and no offence is made out. The complainant is alleging that an agreement has been forged and he has not executed the agreement and the accused Gurbachan Singh has filed a civil suit before the Court which is stated to have been withdrawn as argued by the learned counsel for the petitioner.

At this stage, as already discussed, these allegations cannot be held of civil nature nor it can be held, at this stage, that no offence is made out. A perusal of the record shows that there is nothing on record to show that it is a false FIR which amounts to the abuse of process of law or amounts to miscarriage of justice.

Therefore, I do not find any ground in this petition to quash the FIR and the same is dismissed.

March 24, 2017.

(Inderjit Singh)
Judge

hsp

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