

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

CRM No. M-21251 of 2015.

Date of Decision: 17.04.2017.

Sukhdev Singh and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Naresh Jain, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. H.P.S. Bhinder, Advocate for
Mr. Deepak Kaushal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.

This is a petition under Section 482 Cr.P.C for quashing of FIR No.355 dated 16.12.2014 registered under Sections 420, 467, 468, 471 IPC and Section 30 of Representation of People Act, 1951 at Police Station Kalanwali, District Sirsa.

It is contended that the petitioners have not cheated anybody. No cheating or forgery was ever committed by the petitioners.

On the other hand, learned Counsel for respondent No.2 submits that the petitioners have got prepared subsequent votes in village Balliawali while they were registered voters of village Singhpura. Therefore, they have committed the offence of cheating and

forgery.

Heard.

Allegations, in brief, against the petitioners are that originally, the petitioners were residents of village Singhapura Tehsil and District Sirsa. Thereafter, they migrated to village Balliawali, Tehsil Maur, District Bathinda. The petitioners got prepared their votes in Bathinda without getting the earlier votes cancelled from Bathinda.

It is to be noticed that prior to the present complaint, the brother of the complainant, namely Gurjant Singh had moved an application to the Senior Superintendent of Police, Bathinda against the petitioners making the same allegations as levelled in the present FIR. The matter was inquired into by the DSP (Headquarter), Bathinda and after a detailed inquiry, the allegations levelled by the complainant were found to be false. The report prepared by the DSP (Hq.) (Annexure P-5) was duly accepted by the SSP, Bathinda. It has been observed in the inquiry report that petitioner No.1, Sukhdev Singh was born in village Balliawali and he had been living in the village for the last 14/15 years. Sukhdev Singh passed his matriculation and 10+2 in village Ballialia. He is permanent resident of village Balliawali. Thereafter, all the petitioners shifted to village Singhapura. The family members have got deleted their names from the voter list prepared at village Balliawali. In fact, a dispute with regard to the land between the family members of Sukhdev Singh and Balkaran Singh brother of Gurjant Singh is pending. Gurjant Singh used to put pressure on the

parents of Sukhdev Singh for the compromise in FIR No.112 of 2014 registered by petitioner No.2 against Gurjant Singh but petitioner No.2 had flatly refused for the compromise. With an intention to put pressure on the petitioners, Gurjant Singh has moved the application. Not only that, earlier also, Gurjant Singh had given applications against Sukhdev Singh which were found to be false. Gurjant Singh is harassing Sukhdev Singh by giving false applications again and again. Therefore, no action was taken on the application.

Learned State counsel, on instructions, submits that the FIR registered at Bathinda has been cancelled by the Police.

In view of above, this Court is of the opinion that nothing survives in the present FIR. Moreover, neither any cheating has been committed with any person nor any document has been forged by the petitioners. The present FIR is nothing but abuse of the process of law. Therefore, the present petition is allowed and the aforesaid FIR No.355 dated 16.12.2014 registered under Sections 420, 467, 468, 471 IPC and Section 30 of Representation of People Act, 1951 at Police Station Kalanwali, District Sirsa along with consequential proceedings is hereby quashed.

17.04.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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