

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-27948 of 2017

Date of Decision: 06.09.2017

Sristhi Pal & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Kanwar Ashwani Kumar, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.165 dated 19.06.2017 under Sections 447, 448, 380 IPC registered at Police Station Daba, District Ludhiana and the subsequent proceedings arising therefrom.

The aforesaid FIR was registered at the behest of complainant Preeti Rani @ Preeti Verma wife of Gulshan Kumar, resident of Aman Colony, Near Hanuman Mandir, Barnala.

As per the FIR, the complainant - Preeti Rani @ Preeti Verma purchased a plot measuring 137 Sq. Yds. in Khasra No.526-530-524-529-531 Katauni No.464/592 situated at Village Daba, Hadbast No.262 vide sale deed dated 14.11.2011 by arranging the funds from her parents and had taken the physical possession of the plot. She constructed a house

consisting of two rooms, kitchen, bathroom and porch etc. over the plot. She used to live in the aforesaid house whenever she visited Ludhiana. However, on 17.5.2017, when the complainant came to her house, she found that the lock of her house was broken and petitioner no.1-Sristhi Pal was residing there along with two unknown persons, who were calling themselves as Kala and Davinder. When the complainant questioned about their illegal possession over the house, they told that Harpreet Singh, petitioner no.3, had rented out the said house to them through Preeti Rani. When the complainant told that she herself is Preeti Rani, owner of the house and had neither rented out the house in question to anybody nor she knew any Harpreet Singh, the accused started abusing her and misbehaved with her.

Learned counsel for the petitioners has argued that the FIR in question is false without there being any cause of action. Petitioner no.1 is a tenant in the demised premises since January, 2016. In the year 2017, private respondents no.2 and 3 threatened petitioner no.1 to get the premises vacated otherwise he will be thrown out from the demised premises. He has further argued that petitioner no.1 is a disabled person and the FIR in question is a counter-blast to the civil suit filed by petitioner no.1 titled as *Shrishti Pal v. Preeti Verma & another*.

I have heard learned counsel for the petitioner.

Taking into consideration the nature of allegations levelled in the FIR, this Court cannot quash the FIR in question merely on the ground that one of the petitioners has filed a civil suit against the private respondent-complainant and in the said suit, respondents-defendants have

been restrained from interfering in the peaceful possession of the plaintiff, particularly when the FIR in question was registered only on 19.6.2017 and the same must be under investigation.

Therefore, no ground is made out for quashing of FIR in question.

Accordingly, the present petition is dismissed.

September 06, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No