

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

CRM-M-34622-2014 (O&M)

Date of Decision: 09.11.2017

Hans Raj and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. R.V.S. Chugh, Advocate for the petitioners.

Mr. Ayush Sarna, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition directed against the order passed by the learned Sub Divisional Judicial Magistrate, Budhlada dated 30.10.2013 (Annexure P-4). The petitioners are the accused persons against whom FIR No. 40 dated 22.06.2009 under Sections 379, 447, 427, 148 and 149 IPC registered at Police Station Budhlada, District Mansa (Annexure P-1) was originally lodged by respondent No. 2.

After completion of investigation, the police found no substance in the complaint and submitted cancellation report on 09.04.2010 (Annexure P-2). The respondent-complainant however filed protest application against the cancellation report which was subsequently allowed by the learned Court below vide the impugned order.

It is the contention of the petitioners side that there was actually no ground to sustain the original FIR which was based on false allegations.

To support this contention, they have placed on record copies of the judgments passed by the Court of Ld. Additional Civil Judge (Senior

Division) Budhlada in CS Nos. 0000029 of 2014 and 0000011 of 2014 (Annexures P-4 and P-5 respectively).

Perusal of the same goes to show that the learned Court below had found the petitioners side to be in possession of the disputed land/properties on account of which CS No. 0000011 of 2014 filed by the wife of respondent No. 2 was dismissed, while CS No. 0000029 of 2014 filed by the present petitioners against the said respondent for permanent injunction in respect of the suit land was allowed.

In spite of service of notice, the respondent-complainant has not appeared to contest this petition.

In view of the available material on record including findings of the Civil Courts regarding possession of disputed land which have gone in favour of the petitioners, it is clear that the cancellation report submitted by the police after completion of investigation was just and proper on account of which the impugned order dated 18.01.2012 cannot sustain.

The same is therefore quashed.

Disposed off.

(SUDIP AHLUWALIA)
JUDGE

November 09, 2017
Divyanshi

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No