

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

CRM No.M-37543 of 2014 (O&M)

Date of Decision: July 04, 2017

Sahab Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Shilak Ram Hooda, Advocate,
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

None for respondent No.3.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against State of Haryana and other respondents for quashing the FIR No.257 dated 08.08.2014 under Sections 447, 506 and 34 IPC registered at Police Station Murthal, District Sonipat and consequential criminal proceedings arising therefrom.

Notice of motion was issued. Learned State counsel appeared and contested the petition. Learned counsel for respondent No.3 was appearing earlier, but today, none appeared on behalf of respondent No.3.

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, first of all, challan has already been

presented in this case, trial Court has already taken the cognizance and three witnesses have already been examined. Secondly, I find that the dispute is regarding the possession of the property and as per allegations in the FIR, complainant had sown paddy crop in the disputed land and on 08.08.2014, present petitioner destroyed the paddy crop from tractor and rotavator and on objection raised by the complainant, accused side gave threat to life and destroyed the crop. After investigation, challan has been presented before the Court.

Learned counsel for the petitioners argued that petitioner is in possession and the Civil Court has also passed the judgment in his favour. I have perused the record. As per order dated 04.11.2014 passed by this court, the petitioner was directed to place on record the documents showing this fact but no document has been placed on record by filing criminal misc. application. Secondly, a request was made for producing complete report under Section 173 Cr.P.C. but that was also not filed despite giving reasonable opportunities to the petitioners.

The petitioners relied upon the order dated 22.06.2006 passed by Assistant Collector 2nd Grade, Ganaur, regarding correction of girdawari from 1998 to till date. The pedigree table of the year 1992-93 has been placed on record. The jamabandies of the years 1958-59, 1962-63, 1967-68, 1972-73 and 1977-78 have been placed on record. No latest khasra girdwari or jamabandi has been placed on record to show the possession of the accused-petitioners.

Keeping in view the facts and circumstances of the present case, at this stage, there is nothing on the record to show that registration of the FIR is abuse of process of law or amounts to miscarriage of justice.

Learned trial Court has already taken the cognizance as discussed above and three witnesses have already been examined. Otherwise also, this is finding of fact, whether accused are in possession or complainant, which is to be given on the basis of the evidence by the trial Court.

Therefore, finding no merit in the present petition, the same is dismissed.

July 04, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No