

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

CRM-M-38598 of 2017

Date of Decision: 12th October, 2017

Parshotam Singh Sodhi

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Raktim Gogoi, Advocate
and Mr. Umesh Kanwar, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Through this invocation under Section 482 Cr.P.C the petitioner has prayed for quashing and setting aside of FIR No.3 dated 25.04.2015 under Sections 201,409,420,467,468,471,120-B IPC and Section 13(1) (d) read with Section 13(2) of P.C. Act, Police Station Vigilance Bureau, Ludhiana qua the petitioner claiming it to be a gross abuse of process of Court resulting in miscarriage of justice.

Upon hearing learned counsel for the petitioners. It was consequent upon directions passed by this Court in CWP No.22826 of 2012, the Vigilance Bureau conducted an enquiry and it was discovered that Amar Kaur and Gurmit Kaur, daughters of Takhat Singh and legal heirs of Dewan Singh S/o Arjan Singh and Khera S/o Ganga were allotted land in Tehsils Nabha, Muktsar and Ropar under their rehabilitation claims. Allotment in Nabha was made vide orders dated 28.8.1987 and out of the

allotted land in four villages the allottees sold 13 Bighas of their allotted land and the petitioner while posted as Tehsildar, Nabha manipulated an application from one Sant Jarnail Singh, Chela Sant Hari Singh that the land in village Googamarhi fell under Village pond, common passage or for the common usage or skinning the dead cattle in abadi area for Scheduled Caste and prayed for cancellation of this allotment. It was on the unverified report of the Kanungo Sales, Nabha allotment of land to Amar Kaur and Gurmeet Kaur was cancelled and case was re-processed for rehabilitation on 18.04.1990. It was due to deception and utter disregard to the law of land the petitioner failed to mention that the lands in question were sold off by the allottees which was cancelled by him and subsequently allotted the same *de novo* to Naresh Kumar, son of Khem Chand without seeking any approval and the latter has already entered into an agreement to sell with Khushi Mohammad on 30.11.1990 and it was on the complaint intimation received from Amar Kaur and vide orders dated 11.11.2014 the cancellation of this re-allotment was made but land remained in possession of the subsequent purchaser and through that very course to help the beneficiaries, the petitioner as Tehsildar, Boundary Cell issued Goshwara number to the allotted land showing that the same has been cleared by J.S.R, Punjab on 29.07.1994 but the Rehabilitation Department never had any such records to this effect. Thus, this corrupt misuse of the process and powers by the petitioner led to registration of the present case.

The contentions of the learned counsel for the petitioner and as is the pleadings, in itself are suggestive of the illegal act and misuse of the process by the responsible Public servant, an Officer, thus, causing huge financial loss to the State whose interest the officer was

supposed to protect by all means and rather for extraneous reasons has not only as per the prima facie findings reached by the Vigilance Bureau had been instrumental in giving undue help to the beneficiaries by not only manipulating the public records but by misstating the factual scenario and it is on the basis of the orders of this Court this fact finding enquiry was ordered and, thus, much credibility needs to be given to this judicial order and the manner in which the documents have been fabricated, fraudulently forged and through, misrepresentation by circumventing the due process of law. Seeking support from **Central Bureau of Investigation vs. K.M. Sharan 2008(4) SCC 471** the Hon'ble Apex Court considering catena of case laws on the exercise of powers under Section 482 Cr.P.C has clearly laid down the proposition for the High Courts in exercise of powers under Section 482 which though are very wide but need to exercise the same with care and caution and need to be careful to see the same is based on sound principles and in the process is not supposed to embark upon enquiry whether the allegations in the FIR and charge sheet were reliable or not and thereupon to render definite finding about truthfulness and veracity of the allegations which are matters which can only be examined by the concerned Court after the entire evidence is produced before it on a thorough investigation and evidence is led. The investigation as is there on the records is at crucial stage and more skeletons are likely to tumble out of this dubious cupboard and none of the eventualities have come out as laid down in **State of Haryana and others vs. Ch. Bhajan Lal and others AIR 1992 S.C. 604** for this Court to invoke its powers under Section 482 Cr.P.C. Thus, finding not even an iota of reasons to show indulgence, the present petition appears to be not only illegal in its stand

but malafide in its approach and needs to be outrightly rejected in limine.

Dismissed.

October 12th 2017

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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No