

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

CRM No.M-43745 of 2016 (O&M)
Date of Decision: January 31, 2017

Saroj and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dinesh Arora, Advocate
for the petitioner.

INDERJIT SINGH, J.

CRM No.2828 of 2017

The application is allowed subject to all just exceptions.

Annexure P-7 is taken on record.

CRM No.M-43745 of 2016

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.318 dated 11.08.2016 under Sections 427, 454, 380, 448 and 34 IPC, registered at Police Station City Bhiwani, District Bhiwani and all other proceedings arising therefrom.

Learned counsel for the petitioner contended that no offence is made out and the dispute is of civil nature. Therefore, he argued that the FIR should be quashed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan has already been presented

and charges have not been framed yet. The FIR in the present case has been

got registered by Kamla Devi respondent No.2 against the petitioners. It is stated in the FIR that Anil Kumar and his wife Saroj are her neighbours. They have encroached 5” area in their house out of her house without her permission and have constructed a new wall of 9”, which was her (complainant) ownership. It is further stated that there is an old room in front and its wall has also been scratched and made unfit. Anil and Saroj have demolished the window and have stolen old utensils and they have stolen the window and closed it with new bricks. It is also stated that they have taken over the possession of 14” wall. Roof of the room has been demolished and have installed wooden logs. It is the case of the complainant that stay has been granted to her by the Court, even then Anil and his wife have illegally demolished the wall and 14” pillar, which is in her ownership and have laid lintel over it on 06.08.2016.

From the record, I find that there is allegation regarding demolishing the wall, roof etc. and entering into the house without permission. Without expression any opinion on the merits of the case, at this stage, it cannot be held that registration of the FIR amounts of abuse of process of law or amounts to miscarriage of justice or no offence is made out. In no way, it can be held that case is of civil nature.

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

However, nothing stated above will constitute my opinion on the merits of the case.

January 31, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No