

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

CRM-M-46433-2016

Date of decision-30.01.2017

Pawan and another

...Petitioners

Vs.

State of Haryana

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajiv Sharma, Advocate for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of Criminal Procedure Code for quashing of FIR No.154 dated 19.10.2012 (Annexure P-1) registered under Sections 406, 420 and 120-B of Indian Penal Code (in short 'IPC') at Police Station Tigaon, District Faridabad .

Learned counsel contends that the land in question was sold in pursuance to the decree dated 04.11.2014 (Annexure P-4) whereby complainant was declared owner and petitioners were barred from interfering the peaceful possession of the complainant.

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

A perusal of the record reveals that the FIR was registered on the statement of Kishan Singh Nagar alleging therein that the present petitioners had procured a fake mutation of inheritance of the land in question and the land in question has been registered as agricultural land in

order to commit theft of stamp duty. Petitioners are real brothers and the land in question was sold to the complainant by father of petitioners. Complainant had got a lease deed for a period of 99 years registered on 04.03.1985 for 02 kanals 10 marlas in favour of his mother Bharto Devi and father of the petitioners had got a sale deed executed in favour of complainant and his brother of the same land. The complainant got a mutation regarding sale of the land which was dismissed in default. The complainant challenged the dismissal which was ultimately decided in his favour on 26.02.2008. As per the decision of the Court, boundary walls were constructed on all sides of the plot, a submersible was installed and a room to house the meter was constructed over the submersible. The plan of the plot and photographs were also produced on the Court file.

Despite knowing fully well that their father had sold the plot to the complainant and that the complainant had raised construction over it, the petitioners sold the entire land and in order to evade stamp duty of Haryana Government, showed the same as agricultural land. Further allegation that in connivance with accused Nagender @ Naggi, the petitioners were threatening the complainant to vacate the land.

At this stage, it cannot be said that from reading of the FIR the case under Sections 406, 420 and 120-B of IPC is prima facie not made against the petitioner. Moreover, learned counsel for the petitioner has not been able to convince the Court as to how the case of the petitioner is covered by the parameters laid down by Hon'ble the Supreme Court in ***“State of Haryana Vs. Ch.Bhajan Lal, 1992, SCC (Criminal) 426.***

No case for quashing of FIR is made out.
Consequently, the petition stands dismissed.

January 30, 2017
vanita

(JITENDRA CHAUHAN)
JUDGE

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