

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

**CRM No.M-9447 of 2015 (O&M)
Date of Decision: December 12, 2017**

Sukhwinder Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ravi Malhotra, Advocate
for the petitioners.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Ashish Grover, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Additional Chief Administrator, Jalandhar Development Authority, for quashing the FIR No.364 dated 19.12.2012 under Section 36 of the Punjab Apartment and Property Regulation Act, 1995 and further proceedings arising out of the same.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that in the present case, charges have already been framed by the trial Court and the evidence is going on, which means that trial Court has already found prima facie case and has already taken the cognizance.

The only argument of learned counsel for the petitioners is that the petitioners have already sold the disputed property in 2007 and this FIR has been registered in 2012. I have gone through the record carefully. Learned counsel for respondent No.2 pointed out the document Annexure R-4 i.e. copy of jamabandi, in which the present petitioners are shown as joint owners of khasra No.10//7 and 10//14 for the year 2010-2011 and no mutation is entered on this jamabandi.

Further, learned counsel for the petitioners brought to the notice of this Court the copy of sale deed dated 19.12.2007 but even in the sale deed, khasra No.10//7 has not been mentioned, which means that the petitioners are still owners in the disputed property. It is the case of the complainant that without taking any permission to carve out colony, a colony has been carved out and construction has been carried out in the disputed property. The photocopies placed on record as Annexures R-2 and R-3 also show this fact. Respondent No.2 has also placed on record the site plan showing that colony has been carved out in the disputed property.

In view of the above discussion, I find that at this stage, it cannot be held that registration of FIR is abuse of process of law or amounts to miscarriage of justice. As regarding ownership etc., it is a finding of fact, which is to be given by the trial Court on the basis of the evidence produced before it and these findings cannot be given by this Court without any

evidence before it.

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

December 12, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No