

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

**CRM-M-16449-2016**

**Date of decision:-16.2.2018**

Joginder Pal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**

**Present** : Mr.Harkeerat Singh, Advocate  
for the petitioners.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

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**H.S. MADAAN, J.(ORAL)**

This petition under Section 482 Cr.P.C. has been filed by Joginder Pal and thirteen others – petitioners against State of Punjab and Mandeep Singh Dhillon – respondents seeking quashing of FIR No.58 dated 12.4.2016, under Sections 186, 506 and 34 IPC, registered at Police Station Division No.6, Industrial Area, Ludhiana, District Ludhiana and all consequential proceedings arising therefrom for the reason that continuation of the same would tantamount to a gross abuse of the process of law resulting in a grave miscarriage of justice.

According to the petitioners, FIR in question was registered on the basis of statement of Mandeep Singh Dhillon ( respondent No.2); that all the offences in the FIR i.e. Sections 186, 506, 34 are non-cognizable in nature and police has no jurisdiction to investigate the matter and submit report; that Section 2(1) Cr.P.C. provides that in non-cognizable cases the police has no authority to arrest without warrant; that the FIR and ancillary proceedings are liable to be quashed; that the offences mentioned in the FIR are non-

cognizable, bailable triable by Judicial Magistrate Ist Class; that in terms of Section 155(2) Cr.P.C. permission of the Court to investigate non-cognizable offence is mandatory, which has not been obtained in this case, therefore, the petition be accepted.

Notice of the petition was given to respondent – State of Punjab, which put in appearance through State counsel.

I have heard learned counsel for the parties besides going through the record.

It may be mentioned here that FIR in question was lodged on the basis of complaint received from Office of Sub-Registrar, Ludhiana (East) at Police Station Division No.6, Industrial Area, Ludhiana having subject regarding police assistance to the office of Sub-Registrar, Ludhiana (East) stating as under:

That a dispute is going on between two parties regarding registration of Vasika in the office of Sub-Registrar, Ludhiana (East). Due to their mutual dispute the atmosphere of the office can damage at any time. Therefore, it is requested to your goodself that in order to do the work in proper manners in the office of Sub Registrar, Ludhiana (East) the police assistance may be sent immediately. Today on 12.4.2016 the above parties came to this office got getting the sale deed registered. The second party (accused) in order to stop the registration of the above sale deed spoiled the atmosphere of the office and created nuisance in the office from morning till evening for which the work of the office suffered a lot and the general public and had to face a lot office problems and the work of the government suffered a lot. On the identification of Shri Rajan Katial son of Yashpal Katial resident of 65-R Model Town, Ludhiana, the

required action may be taken against the following accused persons:- Joginder Pal Arora (Maharaj), Sachin Arora, Rajni Gambhir, Shilpa Arora, Raj Rani, Sonia Arora, Rekha Gambhir, Rani, Sushma, Rakesh Gambhir @ Bittu, Gagnesh Gambhir @ Bhola, Paras Gambhir, Raman Gambhir, Lokesh Dang.

However, the offences for which the FIR has been registered i.e. 186, 506 IPC are non-cognizable whereas Section 34 is to go with such offences. Therefore, the police cannot carry out investigation with regard to the FIR in question since in terms of Section 155 Cr.P.C., when information regarding commission of non-compoundable offences is received, the Magistrate is to be informed and permission of Magistrate for investigation is required, though under Section 156 Cr.P.C., no permission of Magistrate is required to investigate the cognizable case. The FIR in question, therefore suffers from a serious illegality which is incurable and in that way is liable to be quashed.

Accordingly, the petition is allowed and FIR No.58 dated 12.4.2016, under Sections 186, 506 and 34 IPC registered at P.S. Division No.6, Industrial Area, Ludhiana along with ancillary proceedings is ordered to be quashed.

However, it is observed that SHO of the police station concerned may pass on the information regarding the incident to Judicial Magistrate having jurisdiction and then after receiving permission/order in that regard may carry out investigation in terms of Section 155(2) Cr.P.C.

**(H.S.MADAAN)**  
**JUDGE**

**16.2.2018**  
**Brij**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**