

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

**CRM-M-23052-2016**

**Date of decision:-28.5.2018**

Santosh and others

...Petitioners

Versus

State of Haryana

...Respondent

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

**Present** : Mr.C.L.Verma, Advocate  
for the petitioners.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Shahid Hussain, Advocate for  
Mr.J.S. Hooda, Advocate  
for the complainant.

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**H.S. MADAAN, J.**

This petition under Section 482 Cr.P.C. for quashing of FIR No.443 dated 17.6.2016, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Camp, Palwal, District Palwal has been filed by petitioners Santosh, Pritam Singh, Prithvi, Prem Singh, Sethi alias Satish, Chhotu and Bunty alias Prince, all of them being accused therein.

The FIR in question was registered on the basis of written complaint at the instance of Harchandi son of Chittar alias Chatar, resident of village Farijanpur Khedla, Palwal alleging therein that the petitioners accused had tried to grab agricultural land measuring 8 Kanals 17 Marlas situated at village Aalahpur, Tehsil and District Palwal on the basis of fake and forged documents and threatened to kill

Satbir, son of complainant. After registration of the FIR, the investigation in the case started.

As per written reply filed by the official respondents, petitioners are involved in heinous crime. Firstly, they kidnapped the complainant and obtained his signatures on blank papers, thereafter, they kidnapped son of complainant and attempted to kill him and he was saved by police of Police Station Vrindawan; that accused had also fired upon the police party regarding which an FIR was registered at U.P.; that the petitioners are hiding and have approached this Court seeking quashing of FIR, though there is sufficient evidence against the petitioners for commission of offences.

I have heard learned counsel for the parties and I do not find any reason to quash the FIR. A perusal of the FIR goes to show that it does disclose commission of cognizable offences by the petitioners-accused and there is nothing on record to show that it is an abuse of process of law. Though according to the petitioners, the dispute between the parties is purely of civil nature but from contents of the FIR and reply filed by official respondents, it does not come out to be so, rather the official respondents have taken a stand that petitioners have obtained a decree on the basis of false and forged documents by getting the complainant proceeded against ex-parte and procuring a false report on summons. As a matter of fact no agreement to sell had been entered into between the parties. It is submitted that as per facts and circumstances of the FIR, the complainant had entered into an agreement to sell with Sher Singh son of Gyasan, who was father of Prem Singh for a sum of Rs.1,10,625/- on 9.9.1994, however, Sher Singh refused to execute the

sale deed in favour of the complainant; the complainant had filed a suit for specific performance, which was decreed in favour of the complainant vide judgment and decree dated 24.4.2001; that Prem Singh being legal representative of Sher Singh had filed an appeal before District Judge, Faridabad, which was dismissed on 7.6.2008, thereafter Prem Singh had approached the High Court but was unsuccessful there; that in between he tried to transfer disputed land in favour of Dinesh, a brother-in-law of Prem Singh on the basis of forged sale agreement, which was declared null and void by the trial Court, First Appellate Court, High Court as well as the Apex Court and possession of land was handed over by police; the complainant has already sold the land in question to Kailash, resident of Housing Board Colony, Palwal handing over the possession to him. It further comes out that according to official respondents there is sufficient documentary as well as oral evidence available against the petitioners for their prosecution and no ground is there to quash the FIR.

Thus considering all the facts and circumstances, in light of the stand taken by the official respondents that petitioners are deliberately hiding and not joining the investigation but now challan has been filed, I find that no ground for quashing of FIR is made out.

Therefore, the petition stands dismissed.

**28.5.2018**  
**Brij**

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

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

**Whether reportable : Yes/No**