

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

**CRM-7935-2018 in/and
CRM-M-30637-2017 (O&M)
Date of decision:19.12.2018**

Neeraj Walia

.....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. A.S. Manaise, Advocate for respondent No.2.

Kuldeep Singh, J. (Oral)

CRM-7935-2018

Application is allowed, as prayed for, subject to all just
excpetions.

Main petition is taken up on board for hearing today itself.

CRM-M-30637-2017

Petitioner-Neeraj Walia who is stated to be Chairman of Lala
Ram Sharan Dharamarth Trust, Gurdaspur has sought quashing of FIR
No.46 dated 15.03.2017 under Sections 420, 465, 467, 468, 471, 120-B
IPC, registered at Police Station City Gurdaspur, Tehsil and District

Gurdaspur along with all consequential proceedings arising therefrom.

The case was registered on the complaint of respondent No.2- Santokh Raj, who stated in his complaint that he has taken the land on lease in the year 1974 for 99 years from Lala Ram Sharan Dharamarth Trust, Gurdaspur and constructed the shop and three storey house on the same. He along with his wife and two sons is residing in the said house. He further stated that his son Jaswant Raj was looking the money matter and got the sale deed of the said property executed in his favour by bribing the Chairman of the Trust. Now his son Jaswant Raj is interfering in the possession and threatening him. After the enquiry, case was got registered.

I have heard learned counsel for the parties and carefully gone through the file of the case.

The bare reading of the FIR shows that the grievance of Santokh Raj is that he had taken certain land on lease on which he had constructed shop and house and that the petitioner-Chairman of Lala Ram Sharan Dharamarth Trust, Gurdaspur has executed the sale deed in favour of the Jaswant Raj-son of the complainant.

It is alleged on behalf of respondent No.2 that sale deed was got executed by showing that Jaswant Raj is in possession of the said property for last 40 years by forged documents.

I am of the view that even if the land was taken on lease by the complainant, the owner of the Trust could always transfer the land to

someone else. The effect of the sale will be that the vendee will step into shoes of the vendor. However, the lease rights of the lessee are always protected. Therefore, on execution of the sale deed by the petitioner on behalf of the Trust, no offence has been committed by the petitioner. Regarding cheating of complainant by the son, the matter is to be dealt with separately. As such, FIR is found to be misuse of process of Court qua the petitioner. Accordingly, FIR No.46 dated 15.03.2017 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City Gurdaspur, Tehsil and District Gurdaspur along with all consequential proceedings, stands quashed qua the petitioner.

Accordingly, petition is allowed.

**(KULDIP SINGH)
JUDGE**

19.12.2018
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Whether speaking/ reasoned:
Whether Reportable:

Yes
No