

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

**CRM No.M-35646 of 2012 (O&M)
Date of Decision: December 04, 2018**

Jagdish Ram @ Mundri

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Ahluwalia, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Inder Pal Singh, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Krishana for quashing the FIR No.77 dated 19.11.2009 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Jhunir, District Mansa alongwith all consequential criminal proceedings arising therefrom being gross misuse of process of law.

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

At the time of arguments, learned counsel for the petitioner,

mainly argued on one point that there is no evidence against the present petitioner and even Charanji Ram, who is stated to be owner of the property and stated to have been taken away and his thumb impressions stated to have been taken, has not levelled any allegations against the present petitioner.

On the other hand, learned State counsel as well as learned counsel for respondent No.2 contested these facts.

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 Charanji Ram has made statement under Section 161 Cr.P.C. Present petitioner is named in his statement. He has specifically stated that Jagdish Ram @ Mundri in connivance with other named accused has usurped his land by preparing false agreement to sell and fixed the date as 28.11.2008 for execution of the sale deed. There is also mention that a civil suit regarding the said agreement has already been filed. It is also stated by Charanji Ram in his statement under Section 161 Cr.P.C. that he has not entered into agreement to sell with present petitioner Jagdish Ram @ Mundri nor he has taken any earnest money.

Keeping in view this statement of Charanji Ram, owner of the land before police under Section 161 Cr.P.C., in no way, it can be held that there is no allegation against the present petitioner and there is no evidence against him.

In view of the above facts and circumstances, I find that no ground is made out for quashing the FIR. In no way, it can be held that it is a case of no evidence against the petitioner nor it can be held that

of justice.

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

Since the main case is decided, therefore, misc. application, also stands disposed of automatically.

December 04, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No