

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

CRM-M-9720-2017

Date of decision:-8.2.2018

Vijay Singh and another

...Petitioners

Versus

Amar Singh and another

...Respondent

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

Present : Mr.P.S. Jammu, Advocate
for the petitioners.

Mr.Rakesh Nagpal, Advocate
for respondent No.1.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed for quashing of Crl. Complaint Case No.876-1 of 2007 (Annexure P-1), summoning order dated 13.5.2008 (Annexure P-2) as well as subsequent proceedings arising therefrom, order dated 19.12.2012 (Annexure P-3) and order dated 9.2.2017 (Annexure P-4) passed by the Court of Addl. Sessions Judge, Sirsa, vide which Crl. Revision petition filed by the

petitioners against the order dated 19.12.2012 has been dismissed being illegal, unjust, unfair, wrong, erroneous, cumbersome, oppressive, bad, arbitrary, cryptic, unwarranted, uncalled for and is misuse of process of law by petitioners Vijay Singh and Balwinder Singh, both of them being accused in the said criminal case.

The grounds on which the petitioners are seeking the quashing is that their co-accused Ram Chander, Kanungo and Mohan Lal, Patwari had approached this Court and FIR qua them had been quashed and furthermore the allegations against the petitioners are false; that they had rightly approached the authority for demarcation of their plot and that they were wrongly summoned by Judicial Magistrate Ist Class, Sirsa and they had filed a revision petition against the summoning order which was dismissed. Therefore, they prayed that the FIR be quashed.

Notice of the petition was issued to respondents, who put in appearance through counsel.

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

The FIR can be quashed only if it does not disclose any offence or is an abuse of process of law. The case of the petitioners does not fall within such parameters. As regards quashing of FIR regarding co-accused Ram Chander, Kanungo and Mohan Lal, Patwari is concerned, that was mainly for the reason that no sanction as required under Section 197 Cr.P.C. had been obtained, whereas no such sanction is necessary as far as the petitioners are concerned.

I do not see any reason to allow the instant petition.

The petition being without merit stands dismissed accordingly.

8.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No