

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

CRM-M-8779-2019

Date of decision-23.05.2019

Joginder Kaur and others

....Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Hardeep Singh, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.141 dated 14.09.2018 under Sections 447 and 379 of Indian Penal Code registered at Police Station Makhu, District Ferozepur.

On 26.03.2019, the following order was passed:-

“Learned counsel for the petitioners contends that the complainant-Lakha Singh got registered FIR No.141 dated 14.09.2018 under Sections 447 and 379 of Indian Penal Code at Police Station Makhu, District Ferozepur, wherein it was alleged that land comprising Khasra No.15 Mustil No.18, 26 and 27 is owned by him wherein he had planted trees which were approximately 40 years old. According to the allegations, the accused had uprooted the trees three years back and stolen them.

Learned counsel for the petitioners contends that the land in question as contained in the FIR stands mutated in favour of petitioner No.1 through mutation

dated 19.12.2013. The complainant-Lakha Singh had brought a Civil Suit No.93-1 dated 10.09.2014 seeking declaration and permanent injunction in respect of the same land and had also propounded a will. The said suit was dismissed by judgment and decree dated 12.02.2018 (Annexure P-3).

It is contended that the allegations if taken to be true, no offence would be made out and the FIR is nothing but an abuse of process of law.

Notice of motion for 23.05.2019.”

Reply by way of affidavit of Narinder Singh, PPS, Deputy Superintendent of Police, Sub Division Zira, District Ferozepur on behalf of respondent No.1-State has been filed and the same is taken on record.

Learned State counsel submits that after completion of investigation, cancellation report stands prepared on 20.04.2019 and the same is in the process of being filed before the Court.

In view of the reply filed by respondent-State, petition is rendered infructuous.

Disposed off as such.

(MANOJ BAJAJ)
JUDGE

23.05.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No