

CRM-M-21901 of 2017

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

CRM-M-21901 of 2017
Date of Decision: 28.02.2019

Balwinder Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. N.S. Dandiwal, Advocate, for the petitioners.
Mr. Amandeep S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.73 dated 09.06.2017 registered under Sections 409, 420, 447, 427, 120-B IPC at Police Station Kot Ise Khan, District Moga and subsequent proceedings arising, therefrom.

Briefly, in accordance with Government policy dated 17.04.2001, petitioner No.1 being Sarpanch and petitioner No.2 member Panchayat, passed resolution dated 31.12.2013 (Annexure P-4), recommending higher authorities to allot five marlas' plots each to 70 poor and landless inhabitants of the village. Against the said action of the petitioners, some inhabitants of the village lodged aforesaid FIR, against them, levelling allegations that they had illegally allotted land to 70 people, without seeking prior approval.

Heard.

The entire story revolves around resolution dated 31.12.2013

(Annexure P-4). A perusal of which shows that petitioners never allotted

CRM-M-21901 of 2017

any land to any person, rather, they simply recommended the higher authorities of the Government to allot plots of five marlas' each to 70 poor and landless people. No allotment has ever taken place till date to any of the alleged landless persons, in whose favour recommendation for allotment of plots was made by the petitioners.

That apart, matter of allotment of plots to landless people in the State of Punjab is sub-judice before this Court in CWP No.13335 of 2017. Since no loss has been caused by the petitioners to the State or any other person, therefore, petition is allowed. Consequently, FIR No.73 dated 09.06.2017, which cannot be permitted to continue any further being based on falsehood, is quashed.

February 28, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No