

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

**CRM No.M-26316 of 2015 (O&M)**

**Date of Decision: March 18, 2019**

Ved Parkash and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.S.S.Khurana, Advocate  
for the petitioners.

Mr.Navdeep Singh, AAG, Haryana  
for the respondent-State.

Mr.Anil Kumar Sharma, Advocate  
for respondent No.2.

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**INDERJIT SINGH, J.**

Petitioners have filed this petition under Section 482 Cr.P.C.  
for quashing of FIR No.0062 dated 16.04.2015 under Sections 379, 427 and  
34 IPC registered at Police Station Rewari Sadar, District Rewari.

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

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 petitioner Ved Parkash is brother of  
complainant Chanderbhan, Anil Kumar is son of Ved Parkash, Ramrati is

wife of Ved Parkash and Sunita is wife of Anil Kumar. At the time of

arguments, it is argued that father of Ved Parkash and Chanderbhan namely Chandgi Ram is alive. Admittedly, the property in dispute is in the name of Chandgi Ram. A civil suit has been filed by the complainant against his father etc. for declaration that parties to the suit are owners in possession of the property being ancestral coparcenary property. That suit, as argued, has already been dismissed by the Court i.e. against the complainant. Admittedly, there is no document on record of any type including revenue record to show the possession of the complainant over the property in dispute.

As property is in the name of father of the complainant and accused party and they are shown in possession over the property in dispute and there being no document on record to show the possession of the complainant, prima facie, it looks that no offence has been committed by the accused. In the FIR, there is no mention of any specific khasra number nor any specific property has been mentioned by giving dimensions etc., over which the complainant is in exclusive possession. There are also no particulars of any type that on which date and month, how much crop was destroyed and how it has been taken away. It is simply stated in the FIR that complainant is doing agricultural work and some of the crop sown by was destroyed and rest of the crop i.e. wheat and mustard, has been cut, regarding which he has already given application in the police station for taking legal action.

On the other hand, learned counsel for the petitioners argued that Chandgi Ram, owner of the property in dispute, has already transferred the property in favour of son of the Ved Parkash through Court decree and

due to this grievance, present false FIR has been got registered.

Keeping in view the fact that there is nothing on the record to show any ownership or exclusive possession over the property in dispute nor any dimensions or specific khasra numbers have been mentioned and vague FIR has been registered, I find that present FIR has been got registered just to harass the petitioners.

In view of the above discussion, I find that registration of the FIR in the present case is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is allowed. FIR No.0062 dated 16.04.2015 under Sections 379, 427 and 34 IPC registered at Police Station Rewari Sadar, District Rewari along with all subsequent proceedings arising therefrom, are hereby quashed.

**March 18, 2019**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**