

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.14388 of 2019 (O&M)
Date of Decision: December 17, 2019

Kulwinder Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Randhawa, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.40 dated 09.04.2018, under Section 420 IPC, registered at Police Station Haibowal, Police Commissionerate, Ludhiana and all subsequent proceedings.

Learned counsel for the petitioner has argued that the petitioner had purchased land measuring 16 kanals from the complainant through two sale deeds (Annexures P-3 and P-4). According to him, the FIR is nothing but an abuse of the process of law as the petitioner did not sell any land in excess to the share purchased by him from the complainant.

Though no notice of motion was issued in the petition, however, status report by way of affidavit of Sameer Verma, PPS, Assistant Commissioner of Police, Ludhiana was filed on 10.07.2019 in the Court. As

per the said report, the investigation of the case was completed and the final report under Section 173 Cr.P.C. was presented before the Judicial Magistrate Ist Class, Ludhiana on 11.06.2019.

During the course of the hearing, it is not disputed by Mr.Randhawa that the final report stands filed before the Court and the same is pending consideration.

A perusal of the FIR further reveals that as per allegations, the accused-petitioner after purchase of some land from complainant, had carved out the roads/plots in the entire land, which includes the remaining land of the seller and further sold it to other persons. It is argued by the learned counsel for the petitioner that a specific piece of land was sold by complainant, and therefore it is not a case where the petitioner had purchased the share from the joint holding and utilized without partition. According to him, no offence as alleged in the FIR would be made out.

After hearing the learned counsel for the parties and perusing the sale deeds (Annexures P-3 and P-4), this Court is of the opinion that the petition is founded on disputed facts and it will not be appropriate to invoke the inherent power under Section 482 Cr.P.C., particularly when the petitioner can effectively raise all these issues at the stage of the consideration of the final report.

No ground for interference is made out at this stage. Petition stands dismissed.

December 17, 2019
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No