

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30826-2017 (O&M)

Date of Decision:-8.1.2019

Ram Kishan Khanchi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks quashing of the proceedings pending qua the petitioners in respect of FIR No. 67 dated 25.4.2014 registered at Police Station Israna, District Panipat under Sections 419, 420 and 120-B of IPC.

The learned counsel for the petitioner submits that in fact the FIR in question in which he is also presently being prosecuted had been lodged at the instance of the petitioner himself wherein he had alleged that after death of his father his brothers had got a tubewell shifted which originally was in the name of his father, on the basis of an application purported to have been written by his father, although it does not bear the signatures of his father.

The learned counsel has submitted that the police after investigation, however, came to the conclusion that the petitioner himself was a party to the illegal shifting of the tubewell connection whereas in fact it is a case where other brothers against whom the FIR had been lodged by

the petitioner, have in an unambiguous terms admitted that it is the brothers of the petitioner who had moved an application for transfer of tubewell connection. The learned counsel, in this context, has drawn the attention of this Court to a plaint in a Civil Suit bearing No. 481 of 2012 titled Ram Kumar Vs. UHBVNL and others annexed with this petition as Annexure P-4. The relevant extract from the said plaint (Annexure P-4) reads as follows :-

“That after the death of father of the plaintiff, the plaintiff and his brothers except the defendant No. 3 requested the defendant No.2 for shifting the above said electric connection No. SOP-AC2-82 from its original place to the fields newly purchased, after fulfilling all the formalities and terms and conditions of the defendant No.2. After depositing the requisite fee with the office of the defendant No. 2 by the plaintiff, the said tubewell connection No. SOP-AC2-82 was shifted in the fields in possession of the plaintiff and the plaintiff is using the said electric connection for irrigating his fields. The plaintiff has been depositing the electricity bill issued against the said tube well connection with the defendants No. 1 and 2 regularly and has paid the bills upto date.”

The learned counsel has submitted that the said Civil Suit had been filed by Ram Kumar wherein the present petitioner has been arrayed as defendant No. 3. The learned counsel has further drawn the attention of this Court to a notice issued by UHBVNL (Electricity Board) Annexure P-13 whereby Ram Kumar i.e. brother of the petitioner had been asked to explain the position as regards shifting of the tubewell on the basis of an application which did not bear signatures of Hirdey Ram. The learned counsel has submitted that in the reply filed to the said notice, Ram Kumar virtually admitted that it was he who has taken all the steps for getting the tubewell

shifted and there is no reference to the involvement of the petitioner. It has, thus, been submitted that in view of the admissions made by the other brothers, it is evident that the petitioner at whose instance the FIR had been lodged had no role in shifting of the tubewell connection.

Having heard the learned counsel for the petitioner, I find that the petitioner mainly relies on documents the admissibility and authenticity of which is yet to be established. It would be at the stage of trial that the documents referred to by the learned counsel can be duly established. The petition, as such, is dismissed with liberty to the petitioner to raise all the points raised herein before the trial Court at appropriate stage. Needless to mention, the petitioner would be at liberty to prove and refer to the documents which have been annexed with this petition on which reliance is being placed.

The petition stands disposed of accordingly.

8.1.2019

kamal/pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No