

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

**CRM No.M-37695 of 2015 (O&M)  
Date of Decision: February 25, 2019**

Swaran Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

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

Present: Ms.Satwant Mehta, Advocate  
for the petitioner.

Ms.Monika Jalota, DAG, Punjab  
for the respondent-State.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.3 dated 19.02.2015 under Sections 448 and 506 IPC registered at Police Station NRI Amritsar, District Amritsar along with all consequential proceedings arising therefrom.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The perusal of the record shows that in this case, challan has already been presented and charges have already been framed and five witnesses have also been examined by the prosecution, which means that learned trial court has already found prima facie case against the petitioner and has taken cognizance in the present case. As per the FIR, the allegation

against the petitioner is that he is in illegal possession and refused to vacate the property. Rather, he is giving death threats. It is also in the FIR that complainant's maternal uncle Harbhagat Singh Tuli also went to the petitioner and asked him to vacate the property but he was also given threats and the petitioner, who is renter, called men armed with guns and complainant's maternal uncle had to leave to protect himself.

Keeping in view the averments in the FIR, in no way, it can be held that no cognizable offence is made out. There are specific allegations regarding threats given to Harbhagat Singh Tuli, who had gone to ask the petitioner to vacate the property. This Court, without evidence, cannot give the finding of fact, whether the occurrence took place or a false case has been planted. The findings of fact are to be given by the trial Court on the basis of evidence. Five witnesses have already been examined before the trial Court. This Court, in the quashing petition, cannot give the finding that this offence is made out or this offence is not made out.

The perusal of the record shows that registration of the FIR in the present case, in no way, amounts to abuse of process of law or miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

**February 25, 2019**  
Vgulati

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

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**