

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

**CRM No.M-9124 of 2013 (O&M)  
Date of Decision: February 13, 2019**

Kamal Rani and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

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

Present: Mr.Gautam Diwan, Advocate  
for the petitioners.

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

Mr.Mohd. Salim, 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.50 dated 16.02.2013 under Sections 406, 420 and 120-B IPC registered at Police Station Tipri Town, Patiala and subsequent proceedings arising out of the said FIR.

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 FIR in the present case has been got

registered by Ram Kishore, Retd. ASI against his wife Kamal Rani, Sushma

Sharma, daughter, Vinod Kumar son, Davinder Kumar son-in-law and Gulshan Kumar, his brother-in-law (brother of Kamal Rani). As per case of the complainant, he purchased a plot in the name of his wife Kamal Rani and registered sale deed was executed in her favour. The plot was purchased for ₹1,10,000/- and expenses on the registry is stated to be ₹12,000/-. It is also the case of the complainant that he purchased another plot of 151 sq. yards for ₹1,22,000/- and expenses of the registry was ₹13,000/- and this plot was also purchased in the name Kamal Rani, accused No.1 through registered sale deed. It is the allegation in the FIR that Kamal Rani sold the above-said property for ₹1,90,000/- and has committed fraud. It is also the allegation that accused have evicted the complainant from house No.32. It is further stated in the FIR that complainant's wife fraudulently got one statement suffered from him in the Court that out of the pension ½ amount will be given to her as maintenance. There is another allegation that in fact the compromise before the mediation centre was done by putting pressure from the family, relatives and respectables that later on, after sitting at home they will settled their accounts and due amount will be got from the accused party but thereafter nothing was given to the complainant.

The perusal of the FIR shows that no cognizable offence is made out. The property which was sold by Kamal Rani wife of the complainant, was in the name of Kamal Rani and she was absolute owner of the same as registered sale deed was in her name and she was fully competent to sell the property. Similarly, giving statement of giving half pension to the wife in the maintenance case before the Magistrate also does

or he has given the statement under pressure, he could have applied to that Court regarding the same but there is nothing regarding the same in the FIR. Similar is the case regarding the statement before the Mediation and Conciliation Centre. If there was any pressure or anything wrong, then complainant could have brought to the notice of that Court, who has sent the matter to the Mediation and Conciliation Centre. Even if the complainant is aggrieved from the sale deed and he is claiming his right over the property being *benami* transaction, then civil remedy, if any, lies with the complainant.

From the perusal of the FIR itself, no cognizable offence is made out. The 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.50 dated 16.02.2013 under Sections 406, 420 and 120-B IPC registered at Police Station Tipri Town, Patiala along with all subsequent proceedings arising therefrom, are hereby quashed.

**February 13, 2019**  
Vgulati

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

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**