

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7558-2017(O&M)
Date of Decision: 23.01.2019

Versus

State of Haryana and anotherRespondents

Present: - Mr. Kamal Sehgal, Advocate
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this petition, prayer has been made under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 0357 dated 30.09.2016 under Section 7/10 of the Haryana Development and Regulation of Urban Areas Act, 1975 (in short 'the Act') registered at Police Station Kundli, District Sonapat.

Briefly, the petitioners vide sale deed dated 12.01.2006 (Anneuxre P-5) purchased land measuring 16 Kanal 8 Marlas out of 64 Kanals 3 Marlas. Thereafter they executing and registering five separate sale deeds in between 24.03.2006 to 06.07.2007, sold 10 Kanals 14 marlas to different people, out of their total holding aforesaid. Mutations were also entered qua the same in the revenue record. No grouse was ever raised till 21.03.2011 for around 04 years by any Government authority, functionary or any Department

including respondent No. 2-District Town Planner, Sonapat. However, all of a sudden, on 30.09.2016, respondent No. 2 awoke out of a great slumber and as a diligent officer moved complaint to the police for registration of a case against the petitioners under Section 7/10 of the Act.

Things did not rest here, inasmuch as respondent No. 2 did not pursue his complaint with the Police Department, nor the police authorities ever thought to take action against the petitioners on the complaint of the District Town Planner till 30.09.2016. Now , it was the turn of Police Department to awake out of great slumber after approximately 05 years of filing the complaint and 09 years of alleged violation of Section 10 of the Act and lodged impugned FIR. The above conduct of the police and State functionaries shows that how by and large, the State machinery runs and its officials or authorities, behave and work.

Learned counsel for the petitioners placing reliance upon the decision of the Hon'ble Supreme Court in ***Johnson Alexander Versus State of CBI, 2015 (2) RCR (Crl) 364 and State of Punjab Versus Sarwan Singh, AIR 1981 SC, 1054*** and taking the aid of Section 468 Cr.P.C. urges that the impugned FIR is liable to be quashed being hopelessly time barred, registered beyond the period of limitation envisages under Section 468 Cr.P.C.

On the other hand, learned State counsel contends that it was only in 2010, when respondent No. 2 on inspection of revenue record came to know about the execution of five sale deeds by the petitioners in violation of Section 10 of the Act. Therefore, impugned

FIR registered in 2016 was not belated one.

Having given submissions made by the learned counsel for the parties, this Court finds merit in the instant petition for the reasons to follow:-

1. Section 468 (2) (c) Cr.P.C. prescribes outer limit of three years for initiation of a criminal action in an offence punishable for a maximum period of three years.

2. Admittedly, all the sale deeds were executed by the petitioners prior to 06.07.2007, whereas FIR was registered on 30.09.2016 much after three years i.e. beyond the period of limitation prescribed under Section 468 Cr.P.C. Therefore, the impugned FIR is liable to be quashed.

Consequently, the instant petition is accepted. The impugned FIR is quashed.

23rd January, 2019

shabha

**[RAMENDRA JAIN]
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No