

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45931 of 2019

Date of Decision: 29.10.2019

Hans Raj

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sahil Puri, Advocate
for the petitioner.

SURINDER GUPTA, J.

Petitioner seeks quashing of FIR No. 178 dated 08.06.2018, registered for offences punishable under Sections 420 and 120-B of Indian Penal Code, at Police Station Sultanpur Lodhi, District Kapurthala, on complaint of Ashok Kumar Mogla, wherein he has stated that petitioner has alienated the property of Central Government by executing release deed dated 13.02.2017 in favour of his sons.

Brief Facts:-

2. Plot No. 417/2, Mohalla Pattua/Saidan, Sultanpur Lodhi is owned by Central Government. In the auction held in the year 1965, Mehnga Ram, father of the petitioner, was highest bidder for ₹871/-, which was reserved price of the plot and sale certificate was issued in his favour. He, however, failed to deposit the auction money and the allotment was cancelled. Again the plot was put to auction and was purchased by Mehnga Ram for ₹871/- and sale certificate dated 11.03.1969 was issued in his favour. After the departmental enquiry, Chief Settlement Commissioner set aside the sale certificate issued in favour of Mehnga Ram vide his order dated 05.11.1969 and transferred the ownership of plot to Central Government. Petitioner filed a civil suit (Civil Suit No. 362 of

06.11.1989) titled '*Hans Raj etc. vs. Union of India etc.*', which was decreed. However, in appeal judgment of lower Court was set aside and no further appeal against that order was ever preferred. In order to grab the plot, petitioner executed a transfer deed dated 13.02.2017 in favour of his two sons, namely, Jatinder Kumar and Dharminder Kumar in connivance with Municipal Councilor and Parveen Kumari.

3. Learned counsel for the petitioner has argued that the complainant has no *lucus standi* to lodge the FIR. At the most it is a case of civil nature for which no FIR could be registered.

4. I find no merit in the submission of learned counsel for the petitioner as complainant is an informer and it is for the investigating officer to see as to whether any offence has been committed by the petitioner. This is not disputed that the plot in question is owned by Central Government and the petitioner had lost his case in civil court long ago in the year 1992. Knowing this fact fully well he has taken the step to execute release deed of this property in favour of his sons. The motive appears to be to create a title of the suit property in favour of his sons knowing fully well that petitioner is not owner of the suit property. He thereby appears to have made an attempt to grab the title of Government property. FIR registered against the petitioner cannot be termed as misuse of process of law, thereby calling for quashing of the same.

5. This petition has no merit and the same is dismissed.

October 29, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No