

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 7192 of 2021
Date of Decision: 16.2.2021**

Varinderjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashok Giri, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 76 dated 29.4.2018 under Sections 447, 379, 120-B, 34 IPC (Section 201 IPC added in challan) registered at Police Station Division No. 6, Jalandhar all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case. The complainant is neither the owner of the property in question nor has specifically named the petitioner in his supplementary statement dated 01.5.2018. Thus, the case of trespassing is not made out against the petitioner.

Notice of motion to the State-respondent No. 1 only.

On the asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the State.

Without going into the merits of the present case, the present petition is disposed of with liberty to the petitioner to approach the

Magistrate concerned with all the pleas, as have been raised in the present petition, if so advised, in terms of the judgment of the Hon'ble Supreme Court in *Vinubhai Haribhai Malaviya and Ors. Vs. The State of Gujarat and Anr., 2019 AIR (SC) 5233*. On his doing so, the Magistrate concerned would take the cognizance of the application and decide the same, preferably within two months.

(HARNARESH SINGH GILL)
JUDGE

February 16, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No