

121

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

CRM-M-16682-2022

Date of Decision: 22.04.2022

Tara Rani alias Tara Devi and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lokesh Vohra, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed by the petitioners for quashing of FIR No.99, dated 25.09.2021, under Sections 448, 379, 380, 506, 511 & 34 of the IPC (Section 380 of the IPC added at the time of framing of the charges), registered at Police Station Cantt. Ferozepur (Annexure P-1) and Charge Sheet dated 23.03.2022 (Annexure P-2).

As per the FIR (Annexure P-1), it was alleged on the basis of the statement made by one Premwati, who is a lady aged 80 years and had alleged that her husband had expired in the year 2007 and about 70 years ago she got married and gave birth to 11 children, some of them were sons and some of them were daughters and they were happily living but thereafter with the children growing up the house became very small and then she purchased House No.1800L vide vasika No.134 dated 13.05.1985 measuring 2 Marla from Madan Lal Jain and two of the children also got divorced and her daughter also started living back and thereafter various disputes started in the

family. However, on 26.08.2021 when her daughter Seema took her to Hoshiarpur to her house then after residing there for few days when she returned back to her house then her daughter Seema and Sarmila saw that her grand-son Ankush, his wife Rajni Devi and daughter-in-law Tara Devi and grand daughter-in-law Priyanka and her husband Rohit had taken the possession over the whole house and had misappropriated the articles which were left in the house and when she inquired from the aforesaid persons and other family members about this then they threatened and forcibly dispossessed her from the house. The neighbours stopped the aforesaid Ankush from doing so but he spoke very badly to them, thereafter, the Police was informed. It is further alleged in the FIR that goods have been stolen and the entry of the complainant was stopped and stolen articles were also not returned.

Learned counsel for the petitioners submitted that after the completion of investigation, challan has been presented and now the charges have also been framed vide Annexure P-2. He further submitted that the present FIR is liable to be quashed on the ground that it was a result of family dispute and in order to settle the family dispute, the present FIR has been lodged in a *mala fide* manner, and therefore, the same is liable to be quashed. He also submitted that even a civil suit is also pending with regard to the property and the matter is civil in nature, and therefore, the continuation of the present FIR is an abuse of the process of law.

I have heard the learned counsel for the petitioners.

The law with regard to the quashing of the FIR is well-settled by the Hon'ble Supreme Court in “**State of Haryana and others Vs. Ch. Bhajan**”

Lal and others”, 1992 SCC (Criminal) 426 and various para meters have been laid down as to under what circumstances an FIR can be quashed which includes the factors that when on the face of it no offence is made out, in order to secure the end of justice and to prevent an abuse of the process of law, the FIR can be quashed at the threshold. Even clear *mala fide* on the face of it can also become a ground for quashing of the FIR. However, in the present case no such ground is made out. On the other hand, it is a case where a lady, who is a widow and has given birth to 11 children and is having not only her children but also grand-children, has lodged an FIR at the age of 80 years against the present accused, who are her family members by alleging that she has been thrown away from the house and her articles have been stolen. The facts and circumstances of the present case do not suggest that the subject matter of the case falls within the accepted para meters as laid down by the Hon'ble Supreme Court in **Ch. Bhajan Lal's case (supra)**. Even the charges have also been framed vide Annexure P-2.

Therefore, this Court is of the considered view that no ground is made out for invoking extraordinary jurisdiction under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of the FIR, therefore, finding no merit in the present case, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

22.04.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |