

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17849-2022
DECIDED ON: 29.10.2022

NIRMALA DEVI AND ORS.

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Harsh Bhargava, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.4, dated 08.01.2020, under Sections 420, 406 and 34 of the IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar, Haryana.

Learned counsel for the petitioners contends that the present case is of civil nature inasmuch as the petitioner No.1 owned the land measuring 51 sq. yards, which she sold to respondent No.2 in two parts. After the said purchase, respondent No.2, had started raising construction over the said land, then the HUDA Department issued notice to respondent No.2 and stopped the construction work alleging that the said land belongs to HUDA.

A perusal of file reveals that HUDA is the contesting party but the same has not been impleaded as a party before this Court.

Learned State counsel refers to the reply dated 18.07.2022 and submits that the petitioners have committed fraud with the complainant after hatching conspiracy and grabbed the sale consideration amount. He also submits that during investigation, it has come on record that the petitioners were having knowledge that they are not the owners of the disputed land and the said land belongs to HUDA Department.

In view of the discussions made hereinabove, it is abundantly clear that the disputed questions of fact are involved in the present petition, which cannot be adjudicated by invoking writ under Section 482 Cr.P.C., to quash the FIR (Annexure P-1).

Hence, the present petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

29.10.2022

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>