

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

201

CRM-M-30811-2015

Date of Decision: 16.12.2022

Harvail Singh and Others

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Chander Shekhar, Advocate, and
Mr. Manmohan Saroop, Advocate,
for the petitioners
Mr. Naveen Singh Panwar, DAG, Haryana

JAGMOHAN BANSAL, J. (Oral)

The petitioners through instant petition under section 482 Cr.P.C. are seeking quashing of FIR No.212 dated 24.03.2013 (Annexure P-1) under Sections 148, 149, 323, 447, 448, 511, 380, 506 and 120-B of Indian Penal Code, registered at Police Station Thanesar city, District Kurukshetra along with all consequential proceedings arising therefrom.

Learned counsel for the petitioners submits that daughter of Harvail Singh-petitioner No.1 got married with Lakhvir Kumar son of Raghbir Kumar, resident of House No.1679, Ward No.18, Kailash Nagar, Kurukshetra. The marriage was solemnized on 15.01.2011. After marriage, daughter of the petitioner started staying in the aforestated house which was registered in the name of Saroj Bala-*Tai Ji* of husband of daughter of petitioner. Saroj Bala along with her husband was staying out of country and she came back to India in January 2013 and sold her house to respondent No.2. The fact of sale of house was not in the knowledge of daughter of the petitioner, thus, she continued to stay in the aforesaid house. The alleged purchaser of the house attempted to take possession of aforesaid house and

petitioners objected to action of the respondent No.2 which resulted into registration of impugned FIR.

A civil suit for permanent injunction qua aforesaid house was filed and daughter of the petitioner compromised the matter with alleged buyer i.e. wife of respondent No.2. The respondent No.2 who is complainant in the FIR has already passed away. The petitioner No.3 has also passed away. The house in question has already been handed over to wife of respondent No.2.

Learned State counsel on being confronted with afore-stated facts does not dispute the factual position and concedes that dispute was on account of possession of the house in question.

On the last date i.e. 01.12.2022, matter was adjourned only on account of non-appearance of counsel for respondent No.2.

Learned counsel for the petitioners has informed the Court that on the last date as well as today he called Mr. Tarun Dhingra, Advocate for respondent No.2 and inspite of assurance to appear, he has not appeared to assist the Court.

The Court is left with no other option except to adjudicate the present petition because it is pending since 2015.

The dispute between the parties was purely a civil as well family dispute and FIR came to be registered just to get house in question evicted from the daughter of the petitioner. It is apt to notice that daughter of petitioner who was having possession of the house in question and was further party to civil litigation was not implicated in

the FIR. The daughter of the petitioner has already evicted the house and settled the dispute with the complainant. Non-appearance of counsel of respondent No.2 indicates that they have no grievance and have lost interest to pursue the matter.

In view of the fact that matter is primarily civil in nature; daughter of petitioner has already evicted the house; the petitioner No.3 as well as complainant has already passed away; trial is pending since 2013, thus petitioners are facing protracted trial; the matter qua possession of house stands settled and no injury was caused to the complainant who is stated to have passed away, the present petition deserves to be allowed and accordingly allowed. FIR No.212 dated 24.03.2013 (Annexure P-1) under Sections 148, 149, 323, 447, 448, 511, 380, 506 and 120-B of Indian Penal Code, registered at Police Station Thanesar City, District Kurukshetra along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

(JAGMOHAN BANSAL)
JUDGE

16.12.2022
Mohit Kumar

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