

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-21092-2022 (O&M)  
Date of Decision:-17.5.2022

Shiv Ram

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr.Ashok Kumar Malhotra, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

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**GURVINDER SINGH GILL, J.**

1. The petitioner seeks quashing of FIR No. 339 dated 27.7.2021, Police Station Sector 5 Panchkula, District Panchkula, under Sections 120-B, 420, 467, 468, 471 of Indian Penal Code wherein he is arrayed as an accused.
2. The FIR was lodged on the basis of a written complaint submitted by the Estate Officer, HUDA, Panchkula. The contents of the said application reads as under :-

FROM Estate Officer HUDA, Panchkula. To The SHO, Police Station, Sector-5, Panchkula Memo No. 8248 Dated: 24/07/2014 Subject: Lodging of F.I.R. against Sh. Shiv Ram S/o Sh. Fakir Chand regarding tempering with the revenue record by the Land Acquisition Officer, Panchkula staff. The tempered record is also accepted by HUDA while allotting Plot No. 213-A, Sector-4- MDC, Panchkula. Subject: It is intimated that Sh. Shiv Ram S/o Fakir Chand R/o House No, 729/ FF, Sector-7, Panchkula had given false affidavit (photocopy enclosed) that he was the owner of acquired land 1 Kanal 4 Marla whereas his only 0 Kanal 5 Marla land was acquired. He has obtained 6 Marla plot No. 213-A, Sector-4 MDC, Panchkula under oustees quota fraudently vide this office memo No. 1487

dated 10.6.2004 (photocopy enclosed). The Land Acquisition officer, Panchkula has confirmed that the revenue record has been tampered with by LAO staff. You are requested to lodge register the F.I.R against Sh. Shiv Ram S/o Sh. Fakir Chand for giving the false affidavit, misguide to the authority at the earliest. DA: As above Estate Officer HUDDA, Panchkula Endst.. No. 8249 Dated 24/07/2021 A copy of the above is forwarded to the following for information and necessary action:-1. The chief Administrator, HUDA, Panchkula w.r.t. his memo No. A-7 –UB-2014/14953 dated 19.6.2014 2. The Administrator, HUDA, Panchkula to his memo No. 3692 dated 6.5.2014 sd Estate Office HUDA, Panchkula. Attested by Account Officer Estate Officer HSVP Panchkula.”

3. The learned counsel for the petitioner has submitted that as a matter of fact the petitioner had already been arrayed as an accused in criminal complaint No. COMI/119/2016 titled as Balbir Singh vs. Shiv Kumar wherein he has been summoned vide order dated 10.2.2020. It has, thus, been submitted that lodging of an FIR is an abuse of process of law and the same virtually amounts to *double jeopardy*, which is not permissible under law. It has further been submitted that the allotment of plot i.e. plot No. 213-A, Sector 4, MDC, Panchkula in any case stands cancelled and that no loss can be said to have been caused to any one. It has also been submitted that infact it is a case where there has been some discrepancies in the revenue record on account of which he had been shown to be in possession of a lesser area than he actually owned.
4. I have considered aforesaid submissions.
5. The petitioner indeed had been arrayed as an accused in criminal complaint No. COMI/119/2016 titled as Balbir Singh vs. Shiv Kumar wherein the allegations are broadly to the effect that while he was owner of 5 marlas of land but by tampering with the record, he claimed himself to be owner of 1

kanal 4 marlas of land and thus, succeeded in getting the allotment of plot No. 213-A, Sector 4, MDC, Panchkula under the oustees quota. The said tampering had been made in the Jamabandi for the year 2000-2001. Subsequently, when the matter came to the notice of the Estate Office regarding tampering, the Estate Officer submitted a written application to the police praying therein that appropriate action be taken against the petitioner for furnishing false affidavit to the authorities concerned. It does appear that the subject matter of the complaint and also the FIR is virtually the same inasmuch as the same pertains to allegations that the petitioner had been able to get a plot allotted to him in oustees quota i.e. plot No. 213-A, Sector 4, MDC, Panchkula by tampering with the revenue record so as to show himself to be owner of 1 kanal 4 marlas instead of 5 marlas only.

6. It also appears from order dated 27.10.2021 passed in CRM-M-25113-2021 that infact it is a case where Balbir Singh had approached this Court for lodging of the FIR against the petitioner and it was during the pendency of the said petition that the FIR in question came to be lodged.
7. It will be appropriate to refer to provisions of Section 210 Cr.P.C. which read as follows :-

“210. Procedure to be followed when there is a complaint case and police investigation in respect of the same offence.

- (1) When in a case instituted otherwise than on a police report (hereinafter referred to as a complaint case), it is made to appear to the Magistrate, during the course of the inquiry or trial held by him, that an investigation by the police is in progress in relation to the offence which is the subject- matter of the inquiry or trial held by him, the Magistrate shall stay the proceedings of such inquiry or trial and call for a report on the matter from the police officer conducting the investigation.

(2) If a report is made by the investigating police officer under section 173 and on such report cognizance of any offence is taken by the Magistrate against any person who is an accused in the complaint case, the Magistrate shall inquire into or try together the complaint case and the case arising out of the police report as if both the cases were instituted on a police report.

(3) If the police report does not relate to any accused in the complaint case or if the Magistrate does not take cognizance of any offence on the police report, he shall proceed with the inquiry or trial, which was stayed by him, in accordance with the provisions of this Code.”

8. Keeping in view the aforesaid provision of Section 210 Cr.P.C., it goes without saying that the petitioner would not be required to be tried twice for the same offence/occurrence and that in terms of Section 210 Cr.P.C. complaint case would be tried alongwith the FIR case in case any report under Section 173 Cr.P.C. is filed by the police.
9. In view of the aforestated position, it cannot be said that lodging of the FIR is a misuse of process of law. No case is made out for quashing of the FIR.
10. The petition is sans merit and is hereby dismissed.

**17.5.2022**

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**( Gurvinder Singh Gill )**  
**Judge**

Whether reasoned/speaking  
Whether reportable

Yes / No  
Yes / No