

CRM-M-35333-2022

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

CRM-M-35333-2022

Date of decision:09.08.2022

Sukhdev Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Satpreet Grewal Kapila, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks quashing of FIR No.193 dated 10.08.2021, registered at Police Station Tanda, District Hoshiarpur, under Sections 379, 506 and 411 IPC and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner contends that the petitioner is a permanent resident of Canada; that it is the complainant-brother of the petitioner, who had tried to grab the property of the petitioner; that the parties had also filed civil suits against each other, and that the petitioner also made complaints to the police in the year 2018 and 2020.

Learned counsel for the petitioner further submits that by virtue of the agreement of partition (family), complainant-Kashmir Singh and his brothers Balbir Singh and Sukhdev Singh (petitioner) had transferred the land/plot measuring 10 marla situated in khasra No.82/16, to Gurdev Singh; that Gurdev Singh being owner in possession of the said

plot comprised in khata No.877/961, khasra No.82//16(6-3), 17/1(3-0),

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22/3(3-1), 23/1(5-11), 24(6-12), kitta 5, 10/497, share of (24-17) as per jamabandi for the year 2015-16, had transferred the same to his wife, and that respondent No.2-complainant is not owner in possession of the said plot, and, therefore, he cannot level any allegation against the petitioner.

I have heard the learned counsel for the petitioner.

As per the contents of FIR, the complainant and his brothers had sold 10 acres of land to Ishar Singh Colony, but the complainant had re-purchased plot bearing Nos.89, 90 and 82 from the colony promoters; that the complainant had constructed his house in two plots; that however, third plot was covered with boundary wall and a gate was also installed over it, and that the complainant and his son Haripal had seen the petitioner -accused while taking away the said gate.

In the present case, the petitioner disputes that respondent No.2-complainant is not owner in possession of the plot where the gate was installed. It is settled proposition of law that no mini trial by appreciating the evidence, can be conducted by this Court while exercising the powers under Section 482 Cr.P.C. and that appreciation of evidence lies within the domain of the trial Court.

Therefore, finding no merit in the present petition, the same is dismissed.

09.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No