

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2226 of 2023

Date of Decision: January 16, 2023

Harjeet Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. S.S. Swaich, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

This petition has been filed for quashing of FIR No. 62 dated 18.05.2022 registered at Police Station Mullanpur, District SAS Nagar (Mohali) under Sections 447, 427, 511, 506, 34 IPC.

According to the contents of the FIR, the petitioners entered into the land of the complainant and illegally started ploughing the same. Boundary pillars were also pulled down.

Learned counsel for the petitioners has argued that the petitioners and the complainant are co-sharers. The joint land was partitioned and mutation dated 23.07.2020 was entered. Thereafter, demarcation was done on 23.06.2021. The area which came to the share of the petitioners was enclosed by barbed wires and pillars which were destroyed by the complainant on 17.05.2022. A suit for injunction has been instituted on 20.05.2022 and the revenue officials have also submitted a report dated 18.07.2022 to the police officials requesting for registration of an FIR against the complainant. Thus, it is evident that the petitioners have been falsely implicated and that infact, the complainant has

illegally tried to enter upon the land allotted to the petitioners. In this view of the

matter the continuance of the FIR is a gross abuse of the process of the Court. Accordingly, the same is required to be quashed.

From the submissions of learned counsel for the petitioners it is evident that both sides are claiming the other to be the aggressor. Partition is admitted but there is no proof of transfer of physical possession. Report dated 18.07.2022 submitted by the Naib Tehsildar to the Sub Divisional Magistrate can not be relied upon as evidence of transfer of possession as the subject thereof reads that it is regarding non-compliance of demarcation conducted by the Patwari and Kanungo and not giving possession as per the demarcation.

In view of the above, the submissions of the learned counsel for the petitioners can not be accepted and it can not be held that the registration of the FIR is an abuse of the process of law. Thus, the petition is devoid of merits and is dismissed.

(SUDHIR MITTAL)
JUDGE

January 16, 2023

reena

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No