

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

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**CRM-M-1230-2016 (O&M)  
Date of Decision: 03.02.2023**

**Malkit Kaur and another**

**.....Petitioners**

**Vs.**

**State of Punjab and another**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Dinesh Sharma, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Harminder Singh, Advocate for respondent No.2.

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**DEEPAK GUPTA, J.**

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash FIR No.481 dated 29.10.2013 registered at Police Station Tripri Town, District Patiala, Punjab under Sections 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860.

2. FIR in question was lodged on the complaint of respondent No.2 namely Mohkam Singh, retired S.S.P. Punjab Police. It is contended that petitioner No.1 was Sarpanch of the Village Bashemi, Tehsil and District Ludhiana. She filed a petition under Section 7 of The Punjab Village Common Land Regulation Act, 1964 through Panchayat Officer on the basis of jamabandi for the year 2006-07 in the Court of DDPO Ludhiana against complainant Mohkam Singh and his son Satinderpal Singh for evicting them from 3 Kanal 12 Marlas of the panchayat land of Village Bashemi in their illegal possession.

3. It is alleged that complainant-respondent, under his police influence and misuse of power has grabbed panchayat land in various

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villages. He got the case transferred from the Court of DDPO Ludhiana to the Court of DDPO Patiala by leveling allegations against DDPO Ludhiana. During proceedings before DDPO Patiala, petitioner No.1 moved an application dated 04.07.2012 for demarcation of the disputed land. On 05.09.2012, she also filed reply to one application of the complainant. Thereafter, complainant Mohkam Singh made an application in the Court of DDPO Patiala alleging that signature of petitioner No.1 Malkit Kaur differed on the application dated 04.07.2012 and the reply dated 05.09.2012 and pressurized the DDPO Patiala to lodge FIR.

4. Petitioner submits that both the documents bear her signature only, despite which complainant succeeded in getting the FIR lodged against her. After registration of the FIR complainant-respondent threatened the petitioners that in case they do not step back from the ongoing case, he will implicate the entire family members in other FIRs because he did not want that his house made on the panchayat land be demolished. Discarding all the documents, order dated 01.10.2013 was passed by DDPO, Patiala in favour of the complainant on the basis of Sanad dated 07.12.1995, which has been later on challenged in the appeal.

5. Contention of the learned counsel for the petitioner is that FIR has been lodged out of vengeance only because of the reason that petitioners had initiated proceedings for eviction of the complainant and his son from the panchayat land.

6. In reply filed by respondent No.1, it is submitted that in the application dated 05.07.2012 and the reply dated 05.09.2012 which was submitted by petitioner Malkit Kaur before DDPO Patiala, her signature

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differed and appeared to be forged and therefore, on the application filed in the Court of DDPO Patiala, the case of forgery was registered against Malkit Kaur. Respondent No.2 also opposed the petition submitting that forged jamabandi was relied upon by the petitioner to initiate the proceedings under The Punjab Village Common Land Act, though respondent with his family members have been residing in the village since long time.

7. In **State Of Haryana And Ors vs Ch. Bhajan Lal, 1992 AIR 604**, Hon'ble Supreme Court laid down guidelines as to in which cases, quashing of FIR can be allowed. It was held as under:

*“8.1. In the exercise of the extra-ordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code of Criminal Procedure, the following categories of cases are given by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guide- in myriad kinds of cases wherein such power should be exercised:*

*(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;*

*(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under [Section 156\(1\)](#) of the Code except under an order of a Magistrate within the purview of [Section 155\(2\)](#) of the Code;*

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*(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;*

*(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under [Section 155\(2\)](#) of the Code;*

*(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;*

*(f) where there is an express legal bar engrafted in any of the provisions [of the Code](#) or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in [the Code](#) or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;*

*(g) where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

8. Having considered submissions of both the sides and applying the legal position to the facts of present case, I find merit in this petition. Allegations in the FIR are about different signature of petitioner No.1 namely Malkit Kaur on an application dated 04.07.2012 (Annexure P-3) and reply to application dated 05.09.2012 (Annexure P-4). The candid stand of

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the petitioner is that both the documents bear her signature. Once it is so, it is apparent that FIR is nothing but the result of vengeance on the part of the complainant-respondent No.2, who is apparently aggrieved by the fact that at the instance of petitioner No.1, proceedings under Section 7 of The Punjab Village Common Land Act, 1964 have been initiated against him and his son.

9. In view of the aforesaid discussion, the FIR in question and all subsequent proceedings are hereby directed to be quashed.

Petition is allowed accordingly.

**February 03, 2023**

Neetika Tuteja

**(DEEPAK GUPTA)**  
**JUDGE**

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |