

CRM-M-18109-2023

2023:PHHC:052653  
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135 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-18109-2023  
DATE OF DECISION:-17.04.2023

Satpal Girdher

...Petitioner.

Vs.

State of Punjab

...Respondent..

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Amit Sharma (Kanav), Advocate,  
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

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**HARKESH MANUJA, J. (Oral)**

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.04 dated 06.01.2009, under Sections 420, 467, 468, 120-B IPC, registered at Police Station City Sri Muktsar Sahib and all consequent proceedings arising therefrom.

As per the allegations levelled in the FIR, the complainant gave power of attorney to one Gurjit Singh, who misused the same by selling the property owned by the complainant vide three different sale deeds, out of which in one sale deed, the petitioner acted as an attesting witness.

Learned counsel for the petitioner submits that the petitioner is neither the beneficiary nor has played any active role in the entire incident as he happens to be merely one of the attesting witness to a sale deed executed by Gurjit Singh, on the basis of alleged power of attorney executed by the owner/complainant and thus, prays for quashing of the FIR in question.

On the other hand, learned State counsel submits that the trial has already gone a long way as majority of prosecution witnesses already stand examined and at this belated stage, this Court may not invoke Section 482 Cr.P.C.

I have heard learned counsel for the parties. In the present case, the FIR in question was registered way-back in the year 2009, followed by filing of challan in 2014, whereas, the charges were framed in September 2016 and most of the prosecution witnesses already stand examined. As rightly pointed out by learned State counsel, considering the stage of trial, it may not be desirable to invoke Section 482 Cr.P.C. for the purpose of quashing FIR qua the petitioner. Besides it, considering the fact that the petitioner merely happens to be an attesting witness to a sale deed executed by Gurjit Singh based on power of attorney given by the original owner, the petitioner being not the beneficiary and facing the agony of criminal prosecution for the past 14 years, I deem it appropriate to exempt the presence of the petitioner during trial, until and unless the same is mandatorily required by the trial court.

In view of the aforesaid, the present petition is disposed of accordingly.

**17.04.2023**

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**(HARKESH MANUJA)  
JUDGE**

whether speaking/reasoned: Yes/No  
whether reportable: Yes/No