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

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CRM-M-46426-2021

Date of decision : 13.07.2023

Roshani Devi @ Manjit Kaur

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Parveen Chaudhan, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. M.S. Saini, Advocate
for respondent No.2/complainant.

PANKAJ JAIN, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. seeking quashing of FIR No.228 dated 26.11.2020, registered for the offences punishable under Sections 419, 420 and 506 of IPC at Police Station City Nawanshahar, District SBS Nagar.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

To the SSP Sahib. Shaheed Bhagat Singh Nagar Subject taking action against Roshni to harass by filing false applications and for not vacating the house, sir, it is requested that my house has been taken on rent by Roshni my house on March 6. For which she had paid only one month rent. Since then she has been harassing us by making false applications against us in different

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ways by fighting with us without any reason and the police immediately take action on the said application filed against us and harass us. Now we have come to know from reliable sources that if Roshani Devi taken on rent a house from any of the landlords, she use to harass the said landlord like us and vacate the house and she after filing false applications vacate the house only after accepting money. Considering her antecedents, our house should be vacated immediately. This is because she had filed a false complaint against us on 27.04.2020 for beating and hurling abuses at Police Station City Nawanshahr, because she wants us to register a false case against us under section 7,51. The complaint filed by her is based upon false and baseless facts and we have not beaten her or hurled abuses to her. Prior to this she has submitted various false complaint against us for assault and hurling abuses. The compromise with has been executed by M.C Gularia. She has been directed to vacate the house till 31st May. The copy of the compromise if available with me. But now Roshani Devi has breached the conditions of the compromise and harassed us by filing false complaints against us. You are therefore, requested to kindly got vacate our house from Roshani. We are requiring our house for our domestic purposes. Therefore, kindly get vacate our house immediately. The legal action may kindly be taken against Roshani Devi for filing false complaints, for threatening to implicate in the false case Under Section 7, 51. Kindly do justice to me. Note: In future in case any loss of life and property caused to Manjit Kaur @ Roshani Devi or she commits

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suicide then she herself would be responsible for the same. I and my family members should not be treated as an accused in that case. Yours faithfully,
Manjeet Kaur wife Didar Singh resident Saini Tower, Banga Road, Nawanshahr 8872407742
dated 28/04/2020 Police proceedings...”

3. Counsel for the petitioner would contend that the bare perusal of the allegations would reveal that the same relate to:-

- (i) None payment of rent;
- (ii) Making false applications before different authorities;
- (iii) Seeking vacation of tenanted premises.

4. Counsel for the petitioner submits that so far as the grievance as mentioned at Sr.Nos. 1 and 3 is concerned, the same is purely within the domain of the Rent Controller and it is a matter of civil nature which has been given colour of a criminal nature just to victimized the petitioner. Further submits that present FIR is nothing but a ploy to get the tenant in premises vacated from the petitioner. Counsel for the petitioner as well as respondent No.2-complainant are *ad idem* that subsequent to filing of the present petition, the petitioner has vacated the premises and handed over the possession to respondent No.2-complainant.

5. Counsel for the complainant adopts the reply filed by the State. State in its reply has relied upon antecedents of the petitioner and has submitted that she has a bad tenant and there are around 15 complaints made by the petitioner against her landlords, wherein she compromised after getting amount from the landlords.

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6. I have heard counsel for the parties and have gone through the records of the case.

7. A bare perusal of the FIR would reveal that the grievance of the complainant in the present FIR relates to non-payment of rent by the petitioner, false complaint made by the petitioner to the authorities against the landlord-complainant and her criminal antecedents of being repeatedly harassing her previous landlords. Further allegation is qua non-compliance of the terms of the compromise by the petitioner by not vacating the premises by 31.05.2020.

8. Counsel for the petitioner is right that so far as the grievance as raised in the complaint on the basis of which FIR has been registered w.r.t. making false applications, the same may constitute an offence punishable under Section 182 IPC and the procedure for prosecution thereof has been prescribed under Section 195 Cr.P.C. under which its only the authority before whom the alleged false applications have been given is entitled to maintain the complaint. Thus qua the three grievances, FIR could not have been registered. It is thus a case in which from bare perusal of the contents of FIR, no cognizable offence is made out against the petitioner and thus the same would fall within the parameters laid down by Apex Court in the case of '**State of Haryana and others vs. Ch. Bhajan Lal and others**' reported as **1992 SCC (Cri) 426** and would be a fit case to exercise jurisdiction under Section 482 Cr.P.C. to quash the FIR.

9. In addition thereof, I may notice that the counsel representing private parties are *ad idem* that the petitioner has now vacated the tenanted premises that too under a compromise, thus the

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continuation of the present prosecution of the petitioner at the hands of the respondents would be inconsequential as the complainant is not expected to support the prosecution.

10. Counsel for the State is not in a position to dispute the aforesaid facts.

11. In view of above, the present petition is allowed. FIR No.228 dated 26.11.2020, registered for the offences punishable under Sections 419, 420 and 506 of IPC at Police Station City Nawanshahar, District SBS Nagar, is hereby quashed.

(PANKAJ JAIN)
JUDGE

13.07.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No