

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

132.

CRM-M No.64256 of 2023 (O&M)

Date of Decision:20.12.2023

Balwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Jain, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0090 dated 30.11.2023 registered under Sections 406, 420 IPC at Police Station Dhakoli (Annexure P-1) and all subsequent proceedings arising therefrom.

2. Learned counsel appearing for the petitioner *inter alia* contends that the petitioner is a senior citizen and it is a predominantly civil dispute in which the petitioner has been falsely implicated at the instance of the complainant in collusion with the police. A bare perusal of the FIR would show that the allegations levelled by the complainant are that he had purchased 4 bighas of land from the petitioner vide two different sale deeds bearing Nos.3614 dated 05.06.2023 and 3615 dated 05.06.2023. But later on, when the complainant went to the concerned revenue official for getting the mutation sanctioned in his name then after checking the record, it came to his knowledge that the petitioner has already sold his share in the land and he is having a share of only 00 bigha 18 biswas of land in his name in the revenue record.

3. Learned counsel for the petitioner further contends that these allegations are completely false and frivolous. In fact, the petitioner is owner of more land

than has been sold by him by way of two registered sale deeds to the complainant. The said fact can be verified from the jamabandi from the year 2016-2017 (Annexure P-5) and he further relies upon the judgment and decree dated 24.08.2015 passed by the competent court of civil jurisdiction along with copy of the execution petition and copy of warrant of possession dated 28.08.2023, which are annexed with the instant petition as Annexure P-6 to P-8 respectively. Reliance is also placed on copy of application submitted by the petitioner and Moninder Singh dated 12.10.2023 (Annexure P-9), copy of GPA dated 27.08.2008 (Annexure P-10) and copy of sale deed dated 10.07.2009 (Annexure P-11). It is further submitted that the petitioner would be satisfied in case all the documents, which are annexed with the present petition are considered by the investigating officer before submitting the final report under Section 173 Cr.P.C.

4. Notice of motion.

5. On receipt of advance notice, Mr. IPS Sabharwal, DAG, Punjab has put in appearance and submits that he has no objection in case the investigating officer is directed to consider all the documents, which are annexed with the present petition before preparing the final report under Section 173 Cr.P.C.

6. I have heard learned counsel for the parties and perused the paper book. With the consent of parties, the matter is taken up for final disposal.

7. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider all the documents which are annexed with the present petition before preparing final report under Section 173 Cr.P.C.

8. It is clarified that in case a final report under Section 173 Cr.P.C. is against the petitioner, the petitioner would be at liberty to file a fresh petition to challenge the FIR as well as the final report under Section 173 Cr.P.C.

(HARPREET SINGH BRAR)
JUDGE

December 20, 2023
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No