



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

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CRM-M-12927-2024 (O&M)

Date of decision: 01.08.2024

Sukhminder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kulwant Singh Boparai, Advocate and
Ms. Archana Vashisht, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The petitioners are invoking the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. for quashing of FIR No.0045 dated 14.07.2022 under Sections 457/380/447/427/506 of the IPC registered at Police Station Maloud Police District Khanna.

2. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case at the instance of respondent No.2/complainant, who was attempting to forcibly occupy their house in their absence. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, it has been further submitted that totally false and frivolous allegations have been levelled against the petitioners of demolishing their cattle room and thereafter stealing various items from there. It has been further submitted that the false implication of the petitioners finds credence from the fact that earlier also the complainant had lodged an FIR levelling similar allegations, and the present FIR has now been



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lodged only to involve the female members of the families of the petitioners. In support, attention of this Court to Annexure P-2. It has furthermore been submitted that respondent No.2/complainant had been continuously threatening to dispossess the petitioners and in the said regard the petitioners have moved various representations before SSP, Khanna; vide the instant FIR, respondent No.2/complainant, thus, is pressurizing the petitioners to withdraw all their complaints against him.

3. Learned counsel has further argued that even otherwise on a bare perusal of the FIR, it stands revealed that the essential ingredients of the alleged offences i.e. Sections 457/380/447/427/506 of the IPC are not made out as the property in question is owned and possessed by the petitioners themselves and the complainant in order to falsely implicate the petitioners has fabricated an ante dated agreement dated 25.04.2020 in the said regard. Still further, a civil suit regarding the property is pending adjudication before the Civil Court.

4. I have heard learned counsel for the petitioners and perused the relevant material on record.

5. Before proceeding further, it would be relevant to reproduce the contents of the FIR which are as under:-

“Statement of Jagdish Singh s/o Bhajan Singh resident of Daulatpur, PS Maloud, District Ludhiana, aged 64 yrs, mobile no.98148-57046 stated that I had purchased the property measuring about 3 biswas within Red line of village Daulatpur on 25.04.2020 from Sher Singh s/o Mukand Singh of village Daulatpur and agreement of this is with me. Harwinder Singh s/o Karam Singh and Manpreet Singh s/o Kuldeep Singh are the witnesses at the time of purchase. Sher Singh had got fitted electricity meter and handed over the receipt of security to me



because I had purchased this site. Since that day I am in possession of this property in which one room and one varanda are constructed. I have stored chaff in this varanda. Now Sher Singh has died. Today on 14.07.2022, at 08.00 AM I and my son Sukhwinder Singh had gone to bring chaf from the above said house, I noticed that the room built in this property was demolished and the articles already lying in that property including one sickle, one fan, one cot & bed, 42 wooden sticks, and about 600 bricks were missing from the site and I continued to enquire about the stolen articles and I came to know that these all articles were stolen by Satinder Kaur daughter of Jagdev Singh, Jaswinder Kaur wife Jagdev Singh, Sukhminder Singh, Jagdev Singh sons of Sadhu Singh, Harman Singh son of Sukhminder Singh and Harsimrandeep Singh son of Jagdev Singh all residents of village Daulatpur, Police Station Maloud District Ludhiana in connivance with each other in order to take possession over the house, on the midnight of 13-14/07.2022 and demolished the room. They had earlier also made attempt to take possession of this house and had stolen article lying in the house and I have already lodged FIR in police station Maloud against them. Satinder Kaur used to threaten me and my family members, saying that she was a lawyer in High Court and we could not cause any harm to her. I and my family members have to visit this house for bringing chaff and these persons use to threaten me and my family members and they may cause harm to me and my family members. I and my family members have danger to our life from them. Please due action may be taken against these persons... I along with my son Sukhwinder Singh was coming to report to you but you have met us on the Chommon- Daulatpur road, and statement is made to you which is heard and is correct. Sd/-Jagdish Singh”

6. Learned counsel for the petitioners in the instant case has raised disputed questions of facts, which cannot be gone into by this Court in exercise of its inherent jurisdiction under Section 482 of the Cr.P.C. While exercising its inherent jurisdiction under Section 482 of the Cr.P.C. this Court has to be extremely circumspect and it is only in exceptional cases that the inherent powers of this Court under Section 482 of the Cr.P.C. should be exercised.

7. Adverting to the present case, a perusal of the FIR reveals that there are specific allegations against the petitioners of having demolished the cattle room of the complainant/respondent No.2 and stolen some items. The truthfulness or otherwise of the allegations levelled against the petitioners would be appreciated when both the parties lead their evidence before the learned Trial Court and thereafter the same would be tested on the touchstone of cross examination.

8. As a sequel to the above, this Court is not inclined to invoke its inherent jurisdiction under Section 482 of the Cr.P.C.. Consequently, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Pending applications, if any, stand disposed of.

01.08.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE