

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

(201) **CRM-M-23900-2015**
Date of Decision:- 05.03.2024

Tej Singh and othersPetitioners

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Adiya Yadav, Advocate for the petitioners.
Mr. Abhinash Jain, DAG, Haryana.

None for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1 Through the instant petition, prayer is made for quashing of charge-sheet dated 24.04.2013, whereby, the charges under Sections 427, 447 and 506 of Indian Penal Code have been framed by the learned Judicial Magistrate Ist Class, Jhajjar in case FIR No.771, dated 20.12.2011 registered at Police Station Jhajjar, District Jhajjar.

2 Having aggrieved with the order of framing charge (supra), the petitioner preferred a statutory revision which was also dismissed vide order dated 21.05.2015. The order of dismissal of revision petition is also under challenged before this court.

3 The sole argument, on which the present relief has been sought, by placing reliance upon the revenue record, to submits that in fact the petitioner is in cultivating possession of the land in dispute, therefore, he cannot be prosecuted for a criminal tress-pass of a land, in which he is already in legal possession.

4 Before this Court proceeds to embark on the submission as made by learned counsel for the petitioners, it is apt to first mention that in earlier round of litigation also, the petition was filed to throw a challenge to the registration of the FIR (supra) i.e. CRM-M-27154-2013, which was dismissed as withdrawn, with liberty to raise all pleas before the learned trial Court concerned. The relevant extract of the order passed by the Coordinate Bench of this court on 26.08.2014 reads as under:

“In view of the statement of learned counsel for the petitioner for withdrawal of the petition with liberty to raise all the pleas before the trial Court, present petition is dismissed as withdrawn with liberty as prayed for.”

5 It is also stated that the charges have already been framed on dated 22.04.2013, and the petitioners have also filed a statutory revision against the framing of charges. It is trite law, that at the time of framing of charge the learned trial Court is only required to evaluate the material attached with the final report, as filed by the Investigating Agency, and moreover, the defence of the accused cannot be examined.

6 Learned counsel for the petitioners is unable to point out any illegality or perversity in the order of framing of charge, as per the allegations levelled against them, therefore, the instant petition is ordered to be dismissed having devoid of any merit.

(KULDEEP TIWARI)
JUDGE

March 05, 2024

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No