



CRM-M-17384-2024

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

CRM-M-17384-2024
Decided on:12.09.2024

Ram Kala and another Petitioners

versus

State of Haryana and others Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jaskaran Singh, Advocate
for the petitioners.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 482 Cr.PC for quashing of FIR No.353 dated 21.05.2022 under Sections 380, 420, 467, 468, 471, 506 and 120-B IPC registered at Police Station Sector 32-33, Karnal and all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case and that the FIR in question has been registered to give a criminal dimension to what essentially is a civil dispute between the parties. Drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel submits the FIR was lodged on 21.05.2022, alleging fraudulent property transfer and theft of jewellery, despite the fact that a civil suit challenging the transfer deed (Annexure P-3) had already been filed by Roshni Devi, i.e. wife of the complainant and the petitioner's sister in the year 2016. Learned counsel points out that there has been an unexplained delay of six years in filing the FIR. Furthermore, it has been argued that petitioner No.1 while in judicial custody was coerced into a compromise (Annexure P-2) under duress, transferring his property and



CRM-M-17384-2024

paying Rs.5 lacs to the son of the complainant, rendering the compromise invalid. It is also submitted that petitioner No.2, who was not even in India at the time of the alleged incident, has been erroneously implicated with no allegations against him of receiving any benefit or property. Learned counsel further argues that the FIR does not disclose any cognizable offence as it mainly revolves around a civil property dispute already pending in Court. He further submits that in the circumstances, continuation of criminal proceedings despite the coerced compromise and civil nature of the dispute, constitutes an abuse of process of law and therefore, the FIR in question is liable to be quashed.

3. Notice of motion.

4. Mr. Ajayvir Singh, Advocate has caused appearance on behalf of respondent No.2 and strongly and vehemently opposed the submissions made by learned counsel for the petitioners. He has placed on record a copy of the civil suit and submitted that there has been material concealment by the petitioners as it has been withheld from this Court that petitioner No.1 had filed a civil suit on 05.06.2024. Furthermore, learned counsel submits that the petitioners reneged on the compromise between the parties and the FIR was registered due to the fraudulent activities of the petitioners.

5. On a query put to the learned counsel for the petitioners about the stage of trial, it has been submitted that the matter is still under investigation.

6. Heard learned counsel for the parties and perused the relevant material available on record.

7. While this Court holds extraordinary powers under Section 528 of BNSS, these powers must be exercised cautiously and with restraint. At this stage, the primary focus of the Court is to determine whether the FIR



CRM-M-17384-2024

discloses a cognizable offence or not. The Court cannot delve into the merits of the allegations or consider the defence of the accused, as it must rely solely on the FIR and the material collected during investigation.

8. In the instant case, the petitioners have raised several disputed questions of fact that can only be addressed through investigation or during trial when evidence is presented and subjected to cross-examination. The Court cannot assess the truthfulness of the allegations or the claims by the petitioners of false implication at this early stage. However, the petitioners are at liberty to raise all the issues during investigation or during course of trial.

9. As a sequel to the above, the present petition being devoid of any merit, stands dismissed. 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.

12.09.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No