

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-27789-2017
Date of Decision: 20.08.2024

Gurnam Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Kumar Singla, Advocate
 for the petitioners.

 Mr. Sukhdev Singh, AAG, Punjab.

 Ms. Sarika Gupta, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
203	21.10.2015	City Kharar, Distt. SAS Nagar	467, 468, 471, 120-B & 201 IPC

Seeking quashing of above captioned FIR, petitioners have come up before this Court by filing the present petition under Section 482 CrPC.

2. Counsel for the State has drawn attention of this Court to the para 4 of the reply dated 27.01.2020, which reads as follows:-

“That it is respectfully submitted that pursuant to the receipt of the order dated 18.03.2015 (supra) the preliminary inquiry in the matter in hand was got conducted by SHO PS, City Kharar from ASI Deep Singh whereby, it was found that respondent no. 2/Surjit Kaur had three sons namely Balbir Singh, Charanjit Singh and Harminder Singh (now deceased). After the death of Gurmit Singh (husband of respondent no. 2) his entire land was got transferred in the name of respondent no. 2/Surjit Kaur by his legal heirs and in that regard entry of mutation no. 3747 was made in the name of respondent no. 2/Surjit Kaur.

The entry of mutation no. 3747 (supra) was made at page no. 62 in the revenue record of Tehsil Kharar, however, the petitioners Balvinder Kaur, Gurnam Singh, Gurmit Kaur, Kuldeep Singh, Satnam Singh and Raghbir Singh in connivance with other staff members of Tehsil Kharar removed page no. 62

and affixed page no. 19/20 in lieu thereof which pertains to mutation no. 3805 and is recorded in the name of Lekh Raj son of Milkhi Ram and same was found in the inquiry got conducted by Deputy Commissioner, Mohali from SDM Mohali. In this manner they have destroyed the record of mutation no. 3747 and it was further found that the Government record has been manipulated and destroyed in furtherance to cause wrongful gain to the opposite party. Thereafter, the SHO PS, City Kharar submitted the aforesaid report before the Ld. Court of SDJM, Kharar whereby vide order dated 17.10.2015 the said Court made the following order:-

"...As such SHO, PS City Kharar is directed to register a case at police station treating the complaint/application as First Information Report and investigate into the same. All the accused except respondent Gurmeet Kaur ought to be booked under Section 467, 467, 471, 120-B, 201 IPC. However, any other concerned persons found having nexus with the commission of crime in this case and any other appropriate Section may be added during the investigation. Complainant is directed to supply the copy of application/complaint to the Naib Court for its onwards transmission to concerned Police Station. Copy of this order be sent to SHO, Police Station, City Kharar for necessary compliance and copy of order be also given dasti to the complainants as prayed. Let copy of FIR be forwarded to this Court within 15 days from today and the present case be listed for 23.12.2015 for awaiting Status/Compliance report..."

3. Perusal of the petition reveals that order dated 17.10.2015, passed by the SDJM Kharar, has not been challenged and without challenging the judicial order, on the basis of which present FIR was registered, FIR alone cannot be quashed.
4. Given above, present petition is disposed of with liberty to file a fresh petition to challenge the order dated 17.10.2015, passed by the SDJM, Kharar as well as the FIR and consequential proceedings specifically order of framing of charges, if framed. It is clarified that time for which the present petition was pending, shall not be counted for the purpose of limitation. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)

JUDGE

20.08.2024

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Whether speaking/reasoned

Whether reportable?

Yes/no

Yes/no