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

CRM-M-39711-2017

Date of Decision:- 30.08.2024

AMRIK SINGH & ORS

....Petitioners

Vs.

STATE OF PUNJAB & ANR

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. B.S. Sewak, Advocate for petitioners.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioners Amrik Singh, Dalbir Singh, Iqbal Singh, Sarwan Singh, Ajit Singh and Bachittar Singh have filed petition under Section 482 Cr.P.C. for quashing of FIR No.100 dated 17.09.2015 under Sections 13A (2) of the Punjab Village Common Lands (Regulation) Act, 1961 and Section 434 of IPC registered at Police Station Chamkaur Sahib, District Roopnagar (P-1) and chargesheet dated 25.09.2017 along with all consequential proceedings.

2. As per the facts of the case, letter was received from Block Development and Panchayat Officer, Chamkaur Sahib addressed to SHO Sri Chamkaur Sahib regarding illegal possession over panchayat land. It was submitted that Gram Panchayat through application brought to the notice of complainant that demarcation of panchayat/shamlat land was got conducted from revenue officials on 12.05.2014 and in the presence of



police, land marks were laid on the spot. During demarcation Dalvir Singh, Iqbal Singh, Sarwan Singh, Ajit Singh, Amrik Singh, Gian Singh, Darshan Singh and Bachittar Singh were found in illegal possession over the panchayat land and notices were issued to them to remove encroachment. Thereafter, Darshan Singh cleared the possession but remaining respondents did not vacate encroached portion and they removed the land marks fixed during demarcation. Therefore, aforesaid persons were in illegal occupation of panchayat land. With these allegations present FIR was registered.

3. Learned counsel for petitioners argued that false FIR has been registered on the basis of political rivalry in the village. The Sarpanch of village filed false complaint that petitioners were in illegal possession over panchayat property. Wrong demarcation report was procured. Copy of demarcation report dated 12.05.2014 is Annexure P-1. On the basis of application filed by Block Development and Panchayat Officer Sri Chamkaur Sahib, FIR No.100 dated 17.09.2015 was registered which is Annexure P-2. In-fact, no demarcation stones were affixed. There is report of kanungo dated 30.10.2015 which is Annexure P-3. Petitioner No.1 filed application to Assistant Commissioner 1st Grade, Chamkaur Sahib for demarcation and Mr. Mehar Chand retired Kanungo was appointed as Local Commissioner who visisted the spot and prepared demarcation report dated 17.09.2016, which is Annexure P-4. Present petitioners are falsely involved on account of political rivalry. Gram Panchayat never passed any resolution to get the FIR registered. Allegations are without any basis. There is affidavit of Sarpanch Gram Panchayat, Saidpur dated 13.09.2017 (Annexure P-5) confirming stand taken by petitioners. Police



has presented the challan report in the Court of Judicial Magistrate 1st Class Roopnagar and without properly appreciating the facts chargesheet dated 25.09.2017 has been framed which is Annexure P-6. It is submitted that aforesaid FIR along with chargesheet and consequential proceedings may be quashed by accepting present petition.

4. Learned counsel representing State filed status report confirming allegations as detailed in the FIR. It is pointed out that FIR has been registered on the application of Block Development and Panchayat Officer. Petitioners are specifically named who removed land marks affixed at the time of demarcation. They never wanted to leave unlawful possession over panchayat/shamlat land. There was no occasion for appointment of another Local Commissioner for demarcation of land. Considering the facts, FIR was rightly registered against petitioners. After completion of investigation challan was presented and finding prima facie case they were accordingly chargesheeted on 25.09.2017. Matter in controversy can be decided after recording evidence in trial. Therefore, petition filed by petitioners may be dismissed.

5. I have considered the arguments and have gone through the record. As referred above, FIR was registered on the complaint of Block Development and Panchayat Officer, Chamkaur Sahib. There are allegations against petitioners that on demarcation of land they were found to be in unlawful possession of panchayat land/shamlat land. They removed land marks affixed during demarcation and further refused to vacate the possession of panchayat land. Report of Kanungo dated 12.05.2014 is Annexure P-1. After investigation challan was also presented in the Court. Learned counsel for petitioners has relied upon



report of Kanungo dated 30.10.2015 (Annexure P-3) and another report of Local Commissioner dated 17.09.2016 (Annexure P-6) in support of his arguments. Aforesaid documents can be basis for defence raised by learned counsel for the petitioners. Earlier demarcation report dated 12.05.2014 (Annexure P-1) cannot be ignored. Facts of the case and charges framed against the petitioners can be adjudicated upon after recording of evidence during the trial. Therefore, I do not find a fit case for quashing of FIR No.100 dated 17.09.2015 under Sections 13A (2) of the Punjab Village Common Lands (Regulation) Act, 1961 and Section 434 of IPC registered at Police Station Chamkaur Sahib, District Roopnagar (P-1) as well as chargesheet already framed against petitioners.

6. Petition is accordingly declined.
7. My observations are made for the disposal of present petition and it will have no bearing on merits of the trial.
8. Pending application (s) if any also stands disposed of.

30.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No