

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

275

CRM-M-55157-2023 (O&M)

Date of Decision : November 11, 2024

BHARAT BHUSHAN

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aman Pal, Advocate with
Mr. Japsehaj Singh, Advocate
for the petitioner.

Mr. Raghav Garg, A.A.G, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., a prayer is made for quashing the FIR No.125 dated 28.10.2022, under Sections 420, 120-B of the IPC, registered at P.S. City Dhuri, District Sangrur.

2. The gist of the present FIR, as became voiced in paragraph No.6 of the order dated 15.11.2022, whereby, the petitioner has been granted interim bail in the present FIR, by the learned Additional Sessions Judge, Sangrur, is reproduced hereunder:-

“6. FIR in the present case was registered on the application of complainant Parkashwati to IG, Patiala Range, Patiala against the applicants alleging that in connivance with each other, both the applicants had conspired against her. It has been alleged that she is 81 years old widowed lady who was threatened by applicants. Both the applicants are her brother-in-law's sons. Her husband Baldev Krishan had executed a registered Will in favour of her daughter Sunita Rani with regard to residential house and

remaining property owned by him. Subsequently, on 08.09.2020, he executed registered deed in favour of her daughter Sunita Rani. Her husband expired on 27.11.2020 due to Covid. After some times from her husband's death, she and her relatives requested the applicants to vacate the shops owned by her husband, but they started threatening her and her daughter. They also took money from her in lieu of vacating said shops. Her husband along with his brothers had a firm in the name of M/s Chanan Ram Munari Lal, Anaz Mandi, Dhuri but she came to know that applicants in connivance with each other without her knowledge had destroyed the documents and account books with regard to the said firm and constituted a new proprietorship firm. She had earlier also filed a complaint against the applicants but they threatened her and pressurized her for effecting compromise with them. She requested for taking action against the applicants and for getting her share out of the said firm.....”

3. The learned counsel for the petitioner argues that, material documents and facts have been concealed by the complainant at the time of registration of the present FIR. He places reliance upon Annexures P-7 and P-8, which according to him are documents of family settlement, to submit that, since everything was settled between the parties, therefore, there arose no cause of action for the complainant to lodge the present FIR. Lastly, he submits that, civil proceedings are already pending between the parties, therefore, criminal proceedings cannot be permitted to be continued on the same cause of action.

4. After hearing the submissions made by the learned counsel for the petitioner, this Court posed a specific query to him regarding veracity of the documents (supra) relied upon by him, whereupon, he responded that the said documents ought to have been considered by the

investigating agency.

5. The documents (supra) relied upon by the petitioner's counsel are not *per se* admissible documents, rather the same are required to be proved in accordance with law, before the learned trial Court concerned, at an appropriate stage. It is also informed to this Court by the learned State counsel that, Final Report has already been presented in the present case and now the case is at the stage of framing of charge.

6. In summa, this Court does not find any merit in the instant petition, therefore, the same is **dismissed**. However, liberty is reserved to the petitioner to raise all the pleas and claims, as raised before this Court, before the learned trial Court concerned.

7. Pending application(s) stand disposed of accordingly.

November 11, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No