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

CRM-M-9857-2025 (O&M)
Date of decision: 26.03.2025

Sahib Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Handa, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

CRM-12409-2025

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record copy of civil suit dated 05.08.2024 and stay order dated 06.08.2024 (Annexures P-4 & P-5).

In view of the averments made in the application, the same is allowed and copy of civil suit dated 05.08.2024 and stay order dated 06.08.2024 (Annexures P-4 & P-5) are taken on record subject to all just exceptions.

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The present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 read with Section 482 Cr.P.C.seeking quashing
of FIR No.0024 dated 01.02.2025 under Section 82 of Registration Act,
registered at Police Station Balongi, District SAS Nagar Mohali and all
consequential proceedings arising therefrom.



Learned counsel for the petitioners submits that the dispute between the parties pertains to the registration of the sale deed which is purely a civil in nature. He further submits that no criminal offence has been made out against the petitioners. Additionally, the petitioners are the lawful owners of the land in dispute and a decree dated 01.02.2012 has already been passed in their favour by the learned Additional District Judge, SAS Nagar, Mohali, on the basis of which, the Revenue Authority has entered the mutation in favour of the petitioners.

Learned counsel for the petitioners submits that he would be satisfied in case a direction is issued to the Investigating Officer to consider all the averments in the present petition along with the Annexures attached with it, before preparing a final report under Section Section 193 of BNSS (earlier Section 173 of Cr.P.C.)

Notice of motion.

On receipt of advance notice, Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and submits that the present petition is premature as the investigation of the case is still pending. He further submits that he has no objection in case the Investigating Officer is directed to take into consideration all the pleadings in the present petition and the Annexures attached with it, before preparation of the final report Section 193 of BNSS (earlier Section 173 of Cr.P.C.).

The matter is taken up for final disposal with the consent of the parties. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider all the pleadings and the documents which are annexed with the present petition

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before preparing a final report under Section Section 193 of BNSS (earlier Section 173 of Cr.P.C.).

It is clarified that in case a final report is filed against the petitioners, the petitioners would be at liberty to file a fresh petition to challenge the FIR as well as the final report under Section Section 193 of BNSS (earlier Section 173 of Cr.P.C.).

The Investigating Officer would be at liberty to associate the petitioners for the purpose of examining the veracity of the averments made by the petitioners. In case, the petitioners are required to be associated, they may be asked to join after issuance of notice under Section 35 of BNSS (earlier Section 41-A of Cr.P.C.).

(HARPREET SINGH BRAR)
JUDGE

26.03.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No