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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-26161-2014 (O&M)
Date of Decision: 23.01.2025

BALJIT KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Dadwal, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 4 dated 08.01.2006 registered under Sections 353, 186, 427 of Indian Penal Code at Police Station Haryana, District Hoshiarpur (Annexure P-4) including the report under Section 173 of Cr.P.C. dated 31.01.2006 (Annexure P-5) as well as all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioners *inter alia* contends that petitioner No. 2-Mohinder Pal Singh son of petitioner No. 1 has filed a complaint levelling allegations against Mukhtiyar Singh, Junior Engineer and other officials of the Punjab State Electricity Board with regard to changing the alignment of the electric poles at the behest of one Gurdyal Singh and the said Gurdyal Singh wanted the line being shifted from his agricultural land and the official who are hand in glove with Gurdyal Singh are trying to shift the 63 KV electricity line towards the *Abadi Deh* which has the potential to harm the life and liberty of the villagers and the aforementioned complaint was given on

27.09.2005. The veracity of the allegations made by petitioner No. 2 in aforesaid

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complaint were examined by the Senior Executive Officer, Distribution Division Hoshiarpur and a report was submitted on 09.06.2006 (Annexure P-1). Perusal of the report clearly indicate that the work executed at the site was not done as per the sketch and the orientation and it was clearly concluded that the orientation with tapping from the existing KV pole could have been avoided near the *Abadi* and further complainant in the FIR(supra) and other officials were held responsible for the change in the alignment and recommended action against the delinquent officials vide Annexure P-1. However, no action was taken against the officials. Thereafter, Deputy Commissioner Hoshiarpur, directed the Sub Divisional Magistrate, Hoshiarpur, to conduct an inquiry and submits its report and Sub Divisional Magistrate, Hoshiarpur, submitted its report on 23.10.2006 (Annexure P-2) and FIR(supra) was registered as a counter blast to the complaint made by the petitioner No. 2 against the complainant on 08.01.2006, whereas the inquiries are already pending on the complaint made by the petitioners on 27.09.2005. Further, perusal of the FIR clearly indicate that the petitioners have been falsely implicated on the allegations that one electricity pole has been filled with the soil and the petitioner No. 2 jumped into the alignment, when they were wrongly digging up the ground for installing poles. Thereafter, civil suit was filed by petitioner No. 2-Mohinder Pal Singh, which was also decreed and the Division Bench of this Court has stayed the further proceedings in the FIR(supra) on the basis of inquiry report (Annexure P-1) and even the writ petition was decided by this Court on 02.02.2017 and the appeal filed by the department was also dismissed and the learned jurisdictional Court in para No. 26 of judgment passed in civil suit has categorically held that the action of the complainant and other officials in stretching, installing high voltage

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inhabitants and the plaintiff was held entitled for mandatory injunction and the suit filed by petitioner No. 2 was decreed and shifting of the electric lines as per the sanctioned plan was ordered. Learned counsel for the petitioners further submits that the appeal filed by the defendants against the decree was also dismissed in the year 2017.

3. Per contra, learned State counsel opposes the prayer made by the petitioners on the ground that FIR(supra) has been rightly registered as the petitioners had created hindrance when the officials were doing their work regarding installation of poles. However, he could not controvert the fact that petitioners have filed complaint on 27.09.2005 against the complainant and other officials of Punjab State Electricity Board and the alleged incident in the FIR(supra) is of 28.12.2005 and at that time, inquiry against the complainant has already been initiated.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the gist of allegations against the petitioners is with regard to creating hindrance in installation of electric poles. Three consecutive and detailed inquiries were held against the officials of Electricity Department and they have been found guilty of harassing and humiliating the petitioners by changing the electric line towards the residential houses of the petitioners. The petitioners were obviously aggrieved by their action as it has the potential to harm the inhabitants and earlier the electric line was installed in the agricultural land of one Gurdial Singh. The allegations contained in the FIR do not inspire confidence and obviously these were levelled with oblique motive to wreck vengeance upon the petitioner No. 2, who had made complaint against the complainant and other officials, who had been

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has also been decreed with a finding against the complainant and other officials and further they have been directed to lay down the electric line as per the sanctioned plan of year 2004 and relying upon the ratio of law as laid by this Court in *R.P. Kapur v. State of Punjab (AIR 1960 SC 866)* and *State of Haryana and others v. Bhajan Lal and others [(1992) Supp (1) SCC 335]*, the FIR No. 4 dated 08.01.2006 registered under Sections 353, 186, 427 of Indian Penal Code at Police Station Haryana, District Hoshiarpur (Annexure P-4) including the report under Section 173 of Cr.P.C. dated 31.01.2006 (Annexure P-5) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

23.01.2025*Ajay Goswami*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>