



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

CRM-M-14734-2025
Date of decision: 28.04.2025

MANJIT SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Khosa, Advocate for the petitioners.
 Ms. Shubreet Kaur, Advocate for the respondent No.2.
 Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.159 dated 06.10.2024 under Sections 420/120-B of IPC registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner, *inter alia*, contends that complainant is the wife of petitioner No.1 and daughter-in-law of petitioner No.2. As per the case set up by the prosecution, the complainant has alleged that by obtaining a false pedigree table, petitioner No.1 has transferred 46 *kanals*, 14 *marlas* of the land in favour of petitioner No.2. Learned counsel for the petitioners relies upon the pedigree table (Annexure P-2) and submits that the same was duly verified by MC Dhuri and Halka Pawari, which is correct. Further, the dispute between the parties is purely civil in nature as the petitioner No.1 has inherited the land in question from his father and has transferred the same in favour of his mother i.e. petitioner No.2. Moreover, the complainant has already instituted a civil suit. Therefore, registration of the



FIR (*supra*) and continuation of the proceedings are clearly an abuse of the process of law. Learned counsel for the petitioners submits that the petitioners would be satisfied in case all the documents, which are annexed with the present petition and all the averments made herein, are considered by the Investigating Officer before submitting the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

3. Notice of motion.

4. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent and submits that he has no objection, in case the Investigating Officer is directed to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

5. Ms. Shubreet Kaur, Advocate puts in appearance on behalf of respondent No.2 and files his memo of appearance, which is taken on record. Registry is directed to tag the same at the appropriate place. She opposes the prayer made by the petitioners and submits that the petitioner No.1 has intentionally transferred his property to avoid the payment of maintenance, which was instituted prior in time. As such, *mala fide* intention of petitioner No.1 is clearly discernible from his conduct. She further submits that from the pedigree table, petitioner No.1 has intentionally excluded the complainant and her child.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.



7. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition and averments made in the present petition, before preparing the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

8. It is clarified that in case, final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*) is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*).

April 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |