



S. No.204

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

**CRM-M-62911 of 2023
Date of Decision:15.09.2025**

Colonel Ramesh Daber

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Raj Kumar, Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

Yashvir Singh Rathor, J. (Oral)

1. This is a petition filed by the petitioner under Section 482 Cr.P.C, seeking quashing of FIR No.0788 dated 22.11.2019, registered under Section 420 of IPC, registered at Police Station Model Town, Rewari, along with subsequent proceedings arising therefrom.

2. The present case was registered on the basis of complaint given to the police by Surender Kumar Sharma with the allegations that he is a social activist and a whistle blower of HUDA Reserve Category Plots Scam. Plot No.100, Sector 19, Rewari has been allotted to Shri Ramesh Daber under Reserve Category (Defence) contrary to HUDA Policy/Act and in violation of terms and conditions mentioned in the brochure as well as the allotment letter. Infact, said Ramesh Daber already owned plot No.244, Sector 31 & 32, Gurugram in his name at the time of allotment of the said plot which is contrary to the policy of HUDA as well as terms and conditions of the allotment of plot at Rewari and he



sought action against him. With these allegations, formal FIR was registered and the matter was investigated.

3. I have heard learned counsel for the parties and the material placed on the file has been perused.

4. Learned counsel for the petitioner has argued that the petitioner is serving in Army and earlier he had purchased plot No.244, Sector 31 & 32 Gurugram from one Ram Attri vide registered sale deed dated 02.07.2001 for a sale consideration of Rs.11,48,500/- jointly with his father Shri Phool Singh Daber and brother Tej Pal Daber. The said plot was originally allotted to one Rakesh Aggarwal by HUDA/ HSVP who had transferred the same to afore-said Ram Attri from whom petitioner, his father and brother purchased the same. Learned counsel next contended that the petitioner was serving as a Major in Army and when the scheme for allotment of plots at Rewari was floated, he applied for a plot and he was allotted one 14 marlas plot bearing plot No.100, Sector 19, Rewari by Estate Officer, HUDA as per terms and conditions detailed in the allotment letter dated 15.05.2011 under reserve category meant for Defence Personnel. As per the terms and conditions of the allotment letter, the petitioner was required to furnish an affidavit that he has never been allotted a plot of land directly by HUDA in Urban Estate, Rewari vide allotment letter (Annexure P.2). Thereafter, petitioner furnished affidavit Annexure P.4 strictly in compliance with the afore-said terms and conditions of the allotment letter and he has neither furnished any false affidavit nor induced the HUDA to allot a plot to him by making any false representation. The allegations in the FIR are altogether contrary to the terms and conditions of the allotment letter. No offence is prima-



facie made out from the allegations levelled in the FIR and the FIR in question is an abuse of the process of law and on this account, the FIR is liable to be quashed.

5. On the other hand, learned State Counsel has argued that the present petition is liable to be dismissed. The allegations in the FIR make out a prima-facie case for the offence under Section 420 IPC. Plaintiff was already owner of one third share in plot at Gurgaon since the year 2001 and this fact was concealed while applying for a plot at Rewari out of the discretionary quota meant for defence personnel and he could not have applied for a plot out of reserved category after purchase of the plot at Gurgaon and learned State Counsel prayed that the petition in hand be dismissed.

6. Hon'ble Supreme Court in 1992 AIR (SC) 604, **State of Haryana and others Vs. Ch. Bhajan Lal and others**, has laid down the various instances in which the Court in exercise of its inherent powers under Section 482 of the Code of Criminal Procedure can quash the FIR and consequential proceedings which are reproduced as under:-

“(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;



(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

7. A perusal of the afore-said law laid down by the Hon'ble Supreme Court makes it clear that the FIR can be quashed along with consequential proceedings if no prima-facie offence is made out from the allegations levelled in the FIR even if they are taken to be true at their face value or if the allegations in the FIR and material collected during investigation do not disclose commission of any offence and make out a case against the accused. As such, the allegations in the present FIR and the material annexed with the petition thus have to be perused to find out whether the same disclose a prima-facie case against the petitioner or not. Before proceeding further, the relevant portion of the allotment letter and the affidavit furnished by the petitioner in compliance of the terms and conditions of the allotment are reproduced as under:-

"Allotment Letter

1. Please refer to your application vide Registration Number UE010/19/14.0M/DEPER/SEEXS/5 for the allotment of a Residential plot in Sector 19 at Urban Estate Rewari.
2. Your application has been considered and a Residential plot as detailed below, has been allotted to you on free-hold basis as per the following terms and conditions and subject to the provisions of the Haryana Urban Development Authority Act, 1977 (hereinafter referred to as the Act) and the Rules/ Regulations applicable there under and, as amended from time to time. The approximate area of



the plot and the tentative price of the plot as given below are subject to adjustment in accordance with the actual measurement at the time of offers of possession.

Sector Number	Urban Estate	No. Dimension	In Sq. Mtr.	Sq. Mtr.	Price of plot in Rs.
19	Rewari	100 24.00x13.50	324.00	9,500.00	3078000

XX XX XX XX

Notes: 1. The above allotment is also subject to condition that you will furnish an affidavit that you have not ever been allotted a plot of land directly by HUDA in Urban Estate Rewari.

XX XX XX XX

5. If the Proof of Income, Affidavits and Certificates submitted by you, found to be false at any stage, then the above allotment shall stand cancelled and deposited amount shall be forfeited to the Authority and you shall have no right to claim anything for the same.

XX XX XX XX

AFFIDAVIT

I, Major Ramesh Daber S/o Sh. Phool Singh resident of Village Bhandour, Post Office Punsika, Tehsil Rewari, Distt. Rewari (Haryana) do hereby solemnly affirm and declare as under:-

1. That I have been allotted Plot No.100, Sector-19, Category residential (14 Allotment Memo No.ZQ002/EO005/UE010



/GALOT/0000000561 dated 15.05.2011 vide Registration No.
UE010/19/14.0M/DEPER/SEEXS/5.

2. That there is no plot/ house in my name or spouses name or in the name of dependent member of my family in any category Urban Estate, Development by Haryana Urban Estate, Department or Huda Rewari, in Haryana State acquired by way of allotment from HUDA.

Identified Sd/-
Seal (ISWAR SINGH SANGWAN)
BA, LL.B, M.B.A.
Advocate & Notary
Distt. Court, Gurgaon (Haryana)

Sd/-
Deponent

Verification:

Verified that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Sd/-
Deponent

Sd/-
Seal
Estate Officer
HSVP, Rewari”

8. A perusal of the terms and conditions of the allotment letter shows that the plot was allotted to petitioner subject to his furnishing an affidavit that he has never been allotted a plot of land directly by HUDA at Urban Estate, Rewari. There was no such stipulation in the terms and conditions of the allotment letter that the petitioner cannot apply for a plot out of reserved category meant for defence personnel at Rewari in case he already owns a plot in some other Urban Estate developed by HUDA in the State of Haryana by way of allotment or by



way of re-purchase from open market. In compliance of the terms and conditions of the allotment letter as reproduced above, petitioner furnished the affidavit which has also been reproduced above and he has specifically stated that neither he nor his spouse or any dependent family member has been allotted any plot/house in Urban Estate, HUDA, Rewari by HUDA by way of allotment. As such, the affidavit furnished by the petitioner was strictly in conformity with the terms and conditions of the allotment letter and he did not make any false averment in the affidavit in order to induce or mislead HUDA to allot a plot out of reserve category meant for defence personnel to him. The registration of FIR at the hands of an alleged whistler blower was thus nothing but an abuse of the process of law to harass the petitioner particularly because no offence is made out from the contents of the affidavit furnished by petitioner after he was amongst the successful allottees in the draw of plots. Even otherwise, petitioner along with his father and brother had purchased a 300 square meter plot in Urban Estate, Gurgaon developed by HUDA by way of re-purchase from open market which was originally allotted to one Rakesh Aggarwal, who had further sold the same to one Ram Attri, who was vendor of the petitioner and his family members and purchase of one third share in the plot at Gurgaon could not have been an impediment in applying for another plot at Rewari out of quota reserved for defence personnel.

9. Looked from any angle, no offence, much less a prima-facie offence, is made out against the petitioner from the allegations levelled in the FIR and continuation of present proceedings is nothing but an abuse of the process of law and in these circumstances, the FIR and the consequential proceedings are liable to be quashed. Resultantly, FIR No.0788 dated 22.11.2019, under Section 420 of



IPC, registered at Police Station Model Town, Rewari, along with consequential proceedings arising therefrom are hereby quashed.

- 10. Disposed of.
- 11. Pending Misc., if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

September 15, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No