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

CRM-M-59339-2024

Date of decision: 22.01.2025

Ajit Ram and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. J.S. Mahal, Advocate
for the petitioners.

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

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.0066 dated 14.06.2024 under Sections 295/34 of IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that the DDPO has written a letter on 24.05.2024 (Annexure P-5) with regard to illegal construction on the Panchayat land and further, the complainant along with Shingara Singh and others have illegally encroached upon the Panchayat land and installed temporary shed illegally and a civil suit in this regard seeking permanent injunction is already filed. He further submits that in reality, there is no Gurudwara Sahib at the spot and neither there is any registered society or management committee for the Gurudwara Sahib and there is no 'Prakash of the Holy Book i.e. Shri Guru Granth Sahib' and the allegations contained in the FIR (*supra*) do not in any manner constitute the offence under Section 295 of

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IPC and the same was registered only to put pressure on the petitioner and not to object to the encroachment made by the complainant.

On the other hand, the learned State counsel submits that the FIR (*supra*) is being investigated and challan has not been presented.

In view of the facts and circumstances of the case, the present petition is disposed of and the Superintendent of Police, Gurdaspur is directed to verify the averments made in the present petition with regard to encroachment and also to ascertain whether any Gurdwara Sahib is there at the spot or not through a senior police official posted in the concerned District Police and also take into consideration the Annexures attached with the present petition including the letter written by the Block Development and Panchayat Officer, Gurdaspur to Station Head Officer, Police Station Sadar Gurdaspur.

In case the veracity of the allegations made by the complainant in the FIR (*supra*) are found to be false, the jurisdictional police authorities are directed to take action strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

22.01.2025*Neha*

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