



CRM-M-6212-2023

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

(124)

CRM-M-6212-2023

DATE OF DECISION: 12.02.2026

Pawan Kumar and others

.....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Esh Gupta, Advocate, for the petitioners.
Mr.Anup Singh, AAG, Punjab.
Mr. Kuldeep Singh, Advocate, for respondent no.2.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 482 of Cr.P.C for quashing of FIR No.88 dated 11.06.2021, under Section 4 of Punjab Prevention of Damage to Public and Private Property Act 2014, under Section 13-A of Panchayat Act and Section 120-B IPC registered at Police Station Nangal, District Rupnagar subsequently added in the challan offence under Punjab Village and Common Regulation Act, 1961, Sections 447 and 448 IPC and for quashing of challan Annexure P-5 presented on 28.10.2022 in the trial Court and consequential proceedings.

2. Learned counsel for the petitioners contended that the petitioners have been falsely implicated in the present case by Tara Chand Ex-Sarpanch of the village mainly on the allegation that the petitioners at the instance of Kulwinder Kaur Sarpanch, her husband Gurnam Singh and Jagdish Ram Numberdar of village Khera Bagh demolished a toilet constructed by Tara Chand Ex Sarpanch in the year 1994-95; present FIR is outcome of political faction; neither any toilet is damaged nor any such toilet belongs to Gram Panchayat; when BDPO sought clarification from



Sarpanch, it was found that no toilet had been dis-mantled by petitioners; and there is no damage to any public or private property; petitioners are labourers and even the main culprits have been let off, hence, the present petition.

3. On the other hand, Mr.Anup Singh, AAG, Punjab, appeared on behalf of respondent/State and opposed the petition by placing reliance upon paras no.4 and 5 of its reply which read as under:-

“ 4. It is further submitted that the complaints mentioned above were thoroughly inquired by the then Station House Officer, Nangal and during inquiry the inquiry officer examined complainant, Panchayat Secretary, present Sarpanch of the village, petitioners and other witnesses and recorded their statements and also took the relevant record pertaining to the property in question and after thorough inquiry, the inquiry officer vide its report dated 09.06.2021, concluded that in view of resolutions dated 08.06.1994 and 09.06.1994, the then Gram Panchayat had constructed washrooms for ladies by using the funds under Jawahar Rozgar Yojana (JRY scheme) and the same was dismantled by the petitioners and two others for their personal benefits and the inquiry officer recommended to lodge the FIR against petitioners and their two co-accused under the relevant provisions of Prevention of Damage to Public Property Act, 1984, Section 13-A of Punjab Village Common Land (Regulations) Act, 1961, and Section 120-B IPC.

5. That it is respectfully submitted that the aforementioned inquiry report was further sent to Deputy Superintendent of Police, Sri Anandpur Sahib, who also endorsed the inquiry report of the Station House Officer, police station Nangal, and ordered to register FIR against the petitioners and two others in terms of the inquiry report dated 09.06.2021, accordingly, FIR No.00 dated 11.06.2021, under Section 4 of Punjab Prevention of



Damage to Public and Private Property Act, 2014, Section 13-A of Punjab Village Common Land (Regulations) Act, 1961 and Section 120-B of IPC, was lodged against the petitioners and two others, at police station Nangal, District Rupnagar.”

4. Mr. Kuldip Singh Saini, Advocate, learned counsel for the complainant/respondent no.2 opposed the present petition and filed his separate reply, relevant para nos.1 to 4 of the reply read as under:-

“1. That the present reply submitted by the complainant/respondent no 2 in the compliance of the order dated 14.12.2024 passed by this Hon'ble High court in the instant petition, whereby this Hon'ble court directed the complainant/respondent no 2 to file the reply in this case.

2. That Petitioners on dated 9.12.20 at about 10.30 PM dismantled the wash room constructed in the year 1995 by the Gram Panchayat Khera Bhag. That the matter was reported to the Local Police, but no action has been taken and then the complainant call on 112, then at about 1.30 PM, the police officials click the Pics of the Bathroom, but no action has been taken and their after the complainant moved the complaint to Sub- Divisional Magistrate Nangal and case registere against the Petitioners.

3. That during the inquiry of the police it is concluded that in view of the Resolution dated 08.06.1994 and 09.6.1994 the Gram Panchayat Constructed the washrooms for the Ladies. That funds under used under the Jawahar Rozgar Yojana Scheme and the same was dismantled by the petitioners and two other for their personal benefits and after inquiry FIR registered against the Petitioners and two other persons.

4. That during the investigation of the case the police official two person found innocent. And challan filed against the Petitioners. And the case is pending for 19.04.24 for consideration on framing of charges against the petitioners.”



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5. Heard.
6. Keeping in view the contentions of the learned counsel for the petitioners and respective replies filed by learned counsel for respondents, this Court does not find any merit in the present petition to invoke the jurisdiction 482 Cr.P.C to quash the FIR in question. Inherent powers under Section 482 Cr.P.C., though wide and expansive, are to be exercised sparingly. In the case in hand, there is nothing which calls for exercise of powers under Section 482 Cr.P.C. to quash the FIR and challan, as apparently from the record available, a *prima facie* case is made out against the petitioners.
7. Finding no merit in the present petition, same is, hereby, dismissed.

12.02.2026

mamta

Whether speaking/reasoned

Whether reportable

(SUBHAS MEHLA)

JUDGE

Yes/No

Yes/No