



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

CRM-M-17247-2021

Reserved on:-21.04.2026

Pronounced on:- 28.04.2026

Uploaded on:- 28.04.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

GOPAL DAVINDER SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

Mr. Sushil Kumar Bhardwaj, Addl. A.G. Haryana.

MANDEEP PANNU, J.

1. This is the first petition filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 623 dated 20.12.2020 registered under Section 10 of the Haryana Development and Regulation of Urban Areas Act, 1975 at Police Station Pehowa, District Kurukshetra (Annexure P-1), along with all consequential proceedings arising therefrom, on the allegations that the registration of the aforesaid FIR is a result of confabulation and amounts to gross abuse and misuse of the process of law.
2. Briefly stated, the facts of the case are that a complaint/memo dated 17.12.2020 was addressed by the District Town Planner, Kurukshetra



to the Station House Officer, Police Station Pehowa, District Kurukshetra alleging that the petitioner, namely Gopal Davinder Singh son of Sh. Lakha Singh, resident of Village Galedwa, Tehsil Pehowa, District Kurukshetra, had carved out an unauthorized colony over land comprised in Khasra No. 137/21/2, 147/24/2 and 25 situated in village Galedwa (Hadbast No. 40). It was alleged that the said land falls within Urban Area, Pehowa and that the petitioner had undertaken colonization/sub-division of the land without obtaining the requisite licence from the competent authority i.e. Director, Town and Country Planning, Haryana, Chandigarh, thereby violating Sections 3 and 7(i) read with Section 2(c) of the Haryana Development and Regulation of Urban Areas Act, 1975 and the rules framed thereunder. It was further alleged that despite the statutory prohibition, the petitioner continued with the unauthorized colonization activities and, therefore, the police authorities were requested to immediately stop the said unauthorized development, investigate the matter and register an FIR against the petitioner as well as any other persons found involved during the course of investigation. It was also mentioned that prior to presentation of challan before the competent Court, necessary sanction for prosecution under Section 11 of the Act of 1975 was required to be obtained from the Deputy Commissioner, Kurukshetra. Pursuant to the said complaint, the impugned FIR came to be registered against the petitioner.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and has not committed any offence under the Haryana Development and Regulation of Urban Areas Act, 1975. It was argued that the petitioner had merely agreed to sell his land



measuring 15 Kanals 7 Marlas in favour of Tarsem Singh and Salinder Singh through an agreement to sell dated 13.09.2019, however, the said purchasers, by citing financial constraints, got the sale deeds executed in parts and in favour of different persons. It was submitted that if any unauthorized colony has been carved out, the same has been done by the said purchasers and not by the petitioner. It was further contended that as per the terms of the agreement to sell, the petitioner was bound to execute the sale deeds in favour of Tarsem Singh, Salinder Singh or any other person nominated by them, and had he refused to do so, he would have been exposed to civil as well as criminal litigation and could also have been directed to refund double the earnest money. Learned counsel submitted that the petitioner is an illiterate villager and was unaware of the alleged tactics adopted by the aforesaid purchasers, who allegedly got the sale deeds executed fraudulently in favour of different persons. It was also argued that at the time of execution of the agreement to sell as well as the sale deeds, the land in question was an undivided compact parcel of land and the petitioner had never divided the same into plots. Therefore, if the purchasers subsequently carved out plots after execution of the sale deeds, the petitioner cannot be held liable for the alleged offence under Section 10 of the Act of 1975. In support of his submissions, reliance was placed upon the judgment reported as *Matadin Vs. State of Haryana, 2005(1) RCR (Criminal) 64*, wherein it was held that where the petitioners had sold undivided compact land and the purchasers subsequently divided it into plots, the petitioners could not be held liable and the proceedings were quashed.



4. Per contra, learned State counsel opposed the present petition and submitted that the petitioner has rightly been nominated in the present FIR as he had carved out an unauthorized colony without obtaining the requisite permission/licence from the competent authority under the Haryana Development and Regulation of Urban Areas Act, 1975. It was contended that the petitioner was issued a show cause notice by the competent authority requiring him to explain as to why action be not taken against him and directing him to restore the land to its original position or bring the same in conformity with the provisions of the Act and the Rules framed thereunder. However, the petitioner neither appeared before the authorities nor filed any reply to the said notice. Thereafter, a restoration order was passed and communicated to the petitioner vide memo No. ENF-KA/DTP-P/65/2020 dated 20.02.2020 directing him to restore the land in question to its original position, but despite the same, the petitioner failed to comply with the directions and continued with the unauthorized colonization. Learned State counsel further argued that thereafter a complaint was sent to the police authorities vide memo No. ENF-KA/DTP-P/263/2020 dated 17.12.2020, pursuant to which FIR No. 623 dated 20.12.2020 came to be registered at Police Station Pehowa. It was further submitted that during inquiry it was found that the petitioner had not only carved roads on the land in question but had also sold the land in the shape of small plots to various persons in clear violation of the provisions of the Act of 1975. In this regard, information was also furnished to the concerned police station vide memo No. 1636 dated 23.06.2021. Learned State counsel submitted that photographs depicting construction raised in the unauthorized colony as well



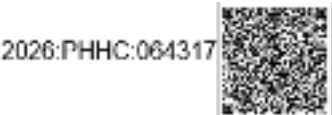
as copies of sale deeds and mutation records qua the plots sold by the petitioner were placed on record as Annexures R-9 to R-24, which *prima facie* establish the active involvement of the petitioner in carving out the unauthorized colony. It was thus argued that merely blaming Tarsem Singh and Salinder Singh would not absolve the petitioner of his liability, particularly when documentary material on record reflects that the petitioner himself executed sale deeds of small plots after sub-dividing the land.

5. After hearing learned counsel for the parties and perusing the record, this Court is of the considered opinion that no ground is made out for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of the impugned FIR. A perusal of the record would show that specific allegations have been levelled against the petitioner that he had carved out an unauthorized colony over the land in question without obtaining the requisite licence/permission from the competent authority under the Haryana Development and Regulation of Urban Areas Act, 1975. The record further reveals that prior to registration of the FIR, the competent authority had issued a show cause notice to the petitioner calling upon him to explain the unauthorized development and to restore the land to its original condition. However, the petitioner neither responded to the said notice nor complied with the restoration order issued vide memo dated 20.02.2020. It has further come on record that despite issuance of the restoration order, the petitioner continued with the unauthorized colonization activities, whereafter a complaint was sent to the police authorities, resulting in registration of FIR No. 623 dated 20.12.2020. Significantly, the State has specifically placed on record copies of various sale deeds and mutation entries (Annexures R-9 to



R-24), which *prima facie* demonstrate that the petitioner himself executed sale deeds in respect of small portions/plots of land in favour of different purchasers. The reply filed by the State also specifically asserts that roads had been carved out on the land in question and thereafter the land was sold in the shape of small plots. Photographs showing construction being raised in the unauthorized colony have also been appended on record. These documents, at this stage, *prima facie* substantiate the allegations that the petitioner was actively involved in sub-dividing the land and facilitating development of an unauthorized colony. The plea raised by the petitioner that Tarsem Singh and Salinder Singh were the actual persons responsible for dividing the land and that he merely executed sale deeds pursuant to an agreement to sell is essentially a matter of defence, which would require appreciation of evidence and examination of disputed questions of fact. While exercising jurisdiction under Section 482 Cr.P.C., this Court cannot embark upon a roving inquiry into the truthfulness of such defence pleas nor can it conduct a mini trial by meticulously examining the evidentiary value of the documents relied upon by either party.

6. At this stage, the Court is only required to examine whether the allegations made in the FIR and the material collected during investigation disclose commission of a cognizable offence. In the present case, the allegations in the FIR, coupled with the documentary material produced by the State, clearly disclose a *prima facie* case against the petitioner. Therefore, the present matter does not fall within the parameters laid down for quashing of criminal proceedings and no case is made out for interference under Section 482 Cr.P.C.



7. Accordingly, finding no illegality in the impugned FIR and the consequential proceedings arising therefrom, the present petition is hereby dismissed.

8. All pending applications, if any, also stand disposed of.

28.04.2026
Anu

(MANDEEP PANNU)
JUDGE

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