



CRM-M-34088-2011 (O&M)

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

244/2

CRM-M-34088-2011 (O&M)

Date of decision : 21.05.2026

SHAMINDER KAUR MANN @ RESHAM KAUR

... PETITIONER

Versus

STATE OF PUNJAB & ANOTHER

.. RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Ms. G.K. Mann, Senior Advocate with
Mr. A.J.S. Gill, Ms. Shruti & Mr. Arshjot S. Mahi, Advocates
for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

Mr. Harsh Aggarwal, Advocate for respondent No.2.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.67 dated 30.03.2005, under Section 36 of the Punjab Apartment and Property Regulations Act, 1995, (hereinafter referred to as 'the Act') registered at Police Station Banga, District SBS Nagar and the proclamation order dated 14.05.2007 along with all other consequential proceedings arising therefrom.

2. The case of the prosecution is that the petitioner, along with co-accused, converted land bearing Khasra No.3209/1-2185 situated in village Mehli into a colony without obtaining the requisite licence from the competent authority under PUDA. It is alleged that roads were laid out and the land was divided into plots in violation of the provisions of the Punjab Apartment and



Property Regulation Act, 1995. It is further the case of the prosecution that the petitioner sold portions of the said land to various individuals.

3. Learned Senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner was only a co-sharer in the land and had merely sold her share through registered sale deeds. It is submitted that there is no material on record to show that the petitioner herself carved out any colony, laid roads, or provided any other amenities associated with development of an unauthorized colony. It is further submitted that the petitioner had shifted to the United Kingdom after sale of the property and is presently about 86 years of age. Learned Senior counsel for the petitioner also submits that mere sale of land, without any specific material showing active involvement in illegal colonization, does not make out the alleged offence.

4. Learned State counsel, while referring to the reply by way of an affidavit of Sh. Hardeep Kumar, PPS, Deputy Superintendent of Police (Detective), Banga Sub Division, District SBS Nagar, reiterated the version mentioned in the complaint and prays for dismissal of this petition.

5. *Per contra*, learned counsel for respondent No.2 opposes the petition and submits that the petitioner was a co-sharer in the land in question and had sold her share, which exceeded 1000 square metres, to different persons through registered sale deeds. It is submitted that the transactions were not for agricultural purposes and were part of an unauthorized development activity in violation of the Act. It is further submitted that upon inspection, the authorities found that plots had been carved out on the land and, accordingly, the FIR was rightly registered.



6. I have heard learned counsel for the parties and have gone through the record.

7. The primary allegation against the petitioner is that she sold portions of the land in question. However, learned counsel for the respondents has not been able to point out any specific material to show that the petitioner herself carved out the colony, earmarked specific plots, laid roads, or undertook any developmental activity necessary to constitute the alleged offence. Mere sale of land by a co-sharer, in the absence of any specific overt act connecting the petitioner with the illegal development, would not by itself be sufficient to attract criminal liability under the Act.

8. The Hon'ble Supreme Court in *State of Haryana vs. Bhajan Lal*, 1992 Supp (1) SCC 335, has held that the inherent powers under Section 482 Cr.P.C. can be invoked to prevent abuse of the process of law and to secure the ends of justice, particularly in cases where the allegations, even if accepted in their entirety, do not *prima facie* disclose the commission of any offence. The said judgment also gives following examples of the kinds of cases where this extraordinary power can be used.-

“8.1. In the exercise of the extra-ordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code of Criminal Procedure, the following categories of cases are given by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guide- i7 myriad kinds of cases wherein such power should be exercised:

(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;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge. ”

9. In the present case, even if the allegations are accepted as correct, no specific role has been attributed to the petitioner showing her involvement in carving out an unauthorized colony. Therefore, the continuation of criminal proceedings against the petitioner would, therefore, amount to abuse of the process of law.

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10. Consequently, the present petition is allowed and FIR No.67 dated 30.03.2005 registered under Section 36 of the Punjab Apartment and Property Regulation Act, 1995, at Police Station Banga, District SBS Nagar, along with proclamation order dated 14.05.2007 and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

11. Pending application, if any, shall stand disposed of accordingly.

May 21, 2026
Sonia

(H.S.GREWAL)
JUDGE

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