



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

CRM-M No.22432 of 2019
Reserved on: 05.05.2026
Pronounced on: 07.05.2026
Uploaded on: 08.05.2026

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

Rajinder Sandhu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. R.S. Bains, Senior Advocate with
Mr. Mohan Singh Chauhan, Advocate
Mr. Utsav Singh, Advocate and
Mr. Sumeet Singh, Advocate
for the petitioners.

Mr. Navraj S. Mahal, DAG, Punjab
for respondent No.1-State.

MANDEEP PANNU, J.

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.271 dated 10.12.2015 registered under Sections 447, 511 and 120-B IPC at Police Station Phillaur, District Jalandhar.

2. Briefly stated, the facts of the case are that the aforesaid FIR was registered on the complaint made by Rai Varinder Chauhan, Councilor Ward No. 15, Mahinder Ram, Councilor Ward No. 14 and Jaspal Ginda, Councilor Ward No. 02, alleging therein that the petitioners namely



Surinder Kaur wife of late Chaman Lal, Rajinder Sandhu son of late Chaman Lal, Pavitar Singh son of Kulvir Singh, Harpal Singh, Ramesh Sandhu son of Chaman Lal and Babal Bedi son of Harji Bedi tried to take unlawful possession of land measuring 2/3 marla situated in front of Gaba Confectionary, regarding which sanction had already been granted for construction of Shri Guru Ravidas Chowk and where a public water tap and park were also stated to be existing. It was further alleged that the petitioners, in connivance with each other, were trying to convert the said land into their private property and thereby disturb law and order in the locality.

3. Learned counsel for the petitioners has contended that the present FIR is false, fabricated and has been registered due to political pressure and with an ulterior motive to dispossess the petitioners from the plot in question. It has been argued that petitioner No.5 had purchased the plot measuring 272 sq. ft. vide a registered sale deed dated 24.09.2015 and the mutation also stood sanctioned in her favour and, therefore, the basic ingredients of the offence under Section 447 IPC are not made out. It is further contended that the dispute, if any, is purely civil in nature regarding ownership and possession of the property and even a Civil Writ Petition bearing CWP No.26985 of 2015 had already been filed before this Court seeking protection of the property and for maintaining rule of law. Learned counsel has further argued that during the pendency of the writ petition, demarcation was conducted pursuant to the directions issued by this Court and the report submitted by the Tehsildar reflected that the land purchased



by petitioner No.5 falls in the concerned khasra number over which Shri Guru Ravidas Chowk had subsequently been constructed. It has further been submitted that the aforesaid writ petition was disposed of vide order dated 31.05.2017 with the observation that the dispute could be decided after demarcation of the land and that against the said order, an LPA has already been filed and the same is still pending consideration before this Court. Learned counsel has further contended that despite the petitioners producing ownership documents before the authorities, no action was taken against the persons allegedly trying to forcibly take possession of the plot and rather the impugned FIR came to be registered against the petitioners. It has also been argued that the allegations of criminal trespass are inherently improbable as petitioner No.5 herself is the owner of the property and petitioner No.1 is her son, whereas the remaining petitioners were merely present there to assist them. It has further been submitted that no public authority or Municipal Council had ever claimed ownership over the plot nor was any show cause notice issued to the petitioners or the seller prior to registration of the FIR. On these grounds, it has been prayed that continuation of the criminal proceedings would amount to abuse of the process of law and the FIR deserves to be quashed.

4. On the other hand, learned State counsel has opposed the petition and submitted that the petitioners had tried to take forcible possession of land measuring 2/3 marla situated in front of Gaba Confectionary, for which grant for construction of Shri Guru Ravidas Chowk had already been sanctioned and a public water tap had also been



installed. It has been argued that the petitioners were trying to convert the said land into their private property and, therefore, the FIR was rightly registered against them. Learned State counsel has further submitted that as per the demarcation report conducted by the Tehsildar, the petitioners were found to be owners of only 1 marla land and not 3 marlas as alleged by them. It has also been contended that the allegations levelled by the petitioners regarding political pressure, threats and illegal action by the police officials are false and baseless. Learned State counsel has further argued that disputed questions of fact have been raised by the petitioners which can only be adjudicated upon during the course of trial and that the final report has already been presented before the trial Court and charges are yet to be framed. Therefore, it has been prayed that the present petition being devoid of merit deserves to be dismissed.

5. This Court has considered the rival submissions made by learned counsel for the parties and has gone through the record with their assistance.

6. It is well settled that the inherent powers under Section 482 Cr.P.C. are to be exercised sparingly, with great caution and only in exceptional circumstances to prevent abuse of the process of law or to secure the ends of justice. While exercising such jurisdiction, this Court is not expected to conduct a mini trial or appreciate disputed questions of fact requiring adjudication on the basis of evidence. Where the allegations made in the FIR disclose commission of a cognizable offence and the matter involves seriously disputed factual issues, the same are ordinarily to be



examined by the trial Court after the parties lead their evidence.

7. In the considered opinion of this Court, the present petition is liable to be dismissed as disputed questions of fact have been raised by the petitioners which cannot be adjudicated upon while exercising inherent jurisdiction under Section 482 Cr.P.C. The controversy involved in the present case relates to the ownership and possession of the property in dispute and also as to whether the petitioners had criminally trespassed upon the land in question or whether they were in lawful possession thereof by virtue of the sale deed relied upon by them. The petitioners have heavily relied upon the demarcation report and other revenue documents to contend their ownership over the property, whereas the State has disputed the same and has specifically alleged that the petitioners had attempted to forcibly occupy the land meant for Shri Guru Ravidas Chowk. The evidentiary value and correctness of the demarcation report as well as the documents relied upon by the petitioners are matters which can appropriately be examined only during the course of trial after the parties lead their respective evidence. Moreover, it is not in dispute that the earlier Civil Writ Petition bearing CWP No.26985 of 2015 was disposed of by this Court vide order dated 31.05.2017 with observations regarding demarcation of the land and an LPA against the said order is still pending consideration before this Court. Thus, the issues sought to be raised by the petitioners involve factual adjudication requiring appreciation of evidence and, therefore, this Court does not find it to be a fit case for exercising inherent powers for quashing of the FIR



8. Accordingly, the present petition is dismissed.
9. Pending applications, if any, also stand disposed of.
10. However, nothing observed herein shall be construed as an expression on the merits of the case.

07.05.2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*