



CRM-M-26226-2020

1

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

CRM-M-26226-2020

Date of decision : 23.01.2026

Surender Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. R.D. Sharma, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for quashing of impugned FIR No.43 dated 23.01.2018 under Sections 10 of the Haryana Development and Regulation of Urban Areas Act, 1975, registered at Police Station Safidon, District Jind and all the consequential proceedings arising therefrom. Further prayer has been made for staying the further proceedings before ld. trial Court.

2. Succinctly the facts of the case are that FIR in the present case was got registered by District Town Planner, Jind to the effect that petitioner along with co-accused, who happens to be the co-sharers of land situated in the Revenue Estate of Safidon, District Jind, sold their ownership to certain private individuals in the shape of small plots in violation of Section 7(1) of the Act vide six different sale deeds between 07.12.2012 to 07.11.2014 for the purpose of carrying out unauthorized colonization. Thus, the request was made to take legal action and the



CRM-M-26226-2020

2

present FIR was registered. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for quashing of the present FIR.

3. Learned counsel for the petitioner submits that petitioner executed sale deeds *qua* the land in question in favour of certain private individuals from 07.12.2012 till 07.11.2014; whereas the FIR in question was registered against them on 23.01.2018 i.e. much after the expiry of 03 years of last sale deed. He relies upon provisions of Section 468 Cr.P.C., and submits that as the maximum sentence prescribed under Section 10 of the Act was 03 years, the Court cannot take cognizance of the offence as alleged in the FIR once the same was registered after expiry of 03 years of the last sale deed dated 07.11.2014. He also submits that the complainant was conscious of construction activity being carried out at the spot as the demolition drive was carried out by the DTP Office at Jind on 10.02.2012 regarding which the petitioner was even called upon to deposit costs against the said demolition. He further submits that in all there were 05 accused including the petitioner, however, 01 of them has expired and qua rest 03 accused the FIR had been quashed by this Court vide order dated 18.05.2023 passed in CRM-M-42047-2018. In support of his contentions, he relied upon the decisions passed by Hon'ble the Supreme Court in case of '**State of Maharashtra Vs. Sharad Chandra Vinayak Dongri, AIR 1975 SC 231**'; '**Madhavrao Jiwaji Rao Scindia and another Vs. Sambhajirao Chanderjirao Anger and others, AIR 1988 SC 709**' and by this Court in, '**Anil Sharma and Anr. Vs. State of Haryana, 2013**

(16) RCR (Criminal) 83'.

**CRM-M-26226-2020****3**

4. Reply by way of affidavit of Mr. Arvinder Dhull, District Town Planner, Jind, has been filed on behalf of respondent No.3 and same is taken on record.

5. Learned State counsel, on the other hand, has relied upon the provisions of Section 469(1)(b) Cr.P.C., and submits that in such cases the period of limitation shall start from the date of knowledge and thus, the complainant and the investigating agency were well within their rights to have registered the FIR in question as the mutations in pursuance to two sale deeds out of the total six, were sanctioned and entered on 01.01.2015 and 12.01.2015, which was in fact the date of knowledge of offence to the District Town Planner, Jind and accordingly, the FIR in question was within limitation.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. It has been transpired that the registered sale deeds were executed by the petitioner in favour of private individuals between 07.12.2012 and 07.11.2014 and there being no specific and categorical denial regarding knowledge of those, in view of specific bar under Section 468 Cr.P.C. the complaint, if any, was required to be filed at the instance of DTP, Jind, within a period of 03 years from the date of registration of last sale deed, the maximum punishment prescribed under Section 10 of the Act being 03 years.

8. The same has been controverted by respondent-State and the counsel for the State has relied upon clause (b) to sub-section 1 of Section 469 Cr.P.C. while submitting that the mutations for two of the six



CRM-M-26226-2020

4

sale deeds were since entered on 01.01.2015 and 12.01.2015, therefore, the registration of FIR in question on 23.01.2018 in pursuance to the letter dated 18.12.2017 written by DTP, Jind to the SHO concerned was within the period of limitation which commenced from the date of knowledge attributed to the date of entering of mutation. Section 469 Cr.P.C. which is relevant for the purpose of adjudication of the case in hand is thus reproduced hereunder:-

“469. Commencement of the period of limitation:-

- (1) The period of limitation, in relation to an offender, shall commence,-*
 - (a) on the date of the offence; or*
 - (b) where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or*
 - (c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.*
- (2) In computing the said period, the day from which such period is to be computed shall be excluded.”*

9. The reliance placed upon the aforesaid provision by the respondents, in the facts and circumstances of the present case is wholly misplaced. The knowledge of commission of offence by the petitioner from the date of entering of mutations on 01.01.2015 and 12.01.2015 was



CRM-M-26226-2020

5

never disclosed or mentioned in the FIR. Even in the entire reply, no such averment has been made by the respondent-State that the factum of execution of sale deeds between 07.12.2012 to 07.11.2014 by the petitioner was never known to the complainant and thus, no such plea regarding exemption from limitation by placing reliance upon Section 469 (1) (b) of Cr.P.C. could have been raised. Moreover, the offence under Section 7 (i) of the Act relates to the transfer of land without obtaining licence and the entering or non-entering of mutation is of no much significance in this regard.

10. A bare perusal of statutory provision of the 528 of B.N.S.S. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 359 B.N.S.S. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Bharatiya Nyaya Sanhita.

11. The Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466; B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675* followed by this Court in Full Bench case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052* have dealt with the proposition involved in the present case and settled the law.

12. Thereafter, Hon'ble Supreme Court in *Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303* further dealt



with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335***. Para 61 of the judgment reads as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this



CRM-M-26226-2020

7

category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. Thus, in view of the discussion made hereinabove also, the FIR had already been quashed *qua* rest of the 03 co-accused, by this Court vide order dated 18.05.2023, passed in CRM-M-42047-2018, the present petition is allowed. FIR No.43 dated 23.01.2018, registered under Section 10 of the Haryana Development and Regulation of Urban Areas Act, 1975 at Police Station Safidon, District Jind, along with all the consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

14. Pending application(s), if any, shall also stand disposed of.

(RAJESH BHARDWAJ)
JUDGE

23.01.2026

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No