130 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29872-2023
Decided on: 20.01.2026

Ravinder Kumar and another ..... Petitioners

Versus

State of Punjab and another .....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ivan Singh Khosa, Advocate,
Ms.Bhumika, Advocate and
Mr. Aarjan Jain, Advocate, for the petitioners.

Ms. Ramta Chowdhary, DAG, Punjab.

Mr. Rajat Malhotra, Advocate, for the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 Cr.P.C, is for quashing of FIR No.98, dated 09.09.2020, registered under Sections 454, 380, 447, 511, 506, 427, 149, 120-B IPC, at Police Station Ladhuwal, District Police Commissionerate, Ludhiana as well as all the consequent proceedings arising out therefrom.

2. Succinctly facts of the case are that the complainant, i.e. respondent No.2 (Kulwinder Singh), lodged the impugned FIR against the petitioners. It was alleged that Kundan Singh was the owner of the land in question and on his death he was survived by two wives, four daughters and one son, namely, Harjinder Singh. Harjinder Singh died in the year 2005 in an accident and, thus, his wife Baljit Kaur and her child inherited his property. Baljit Kaur made a declaration of sale of this land with the complainant and the complainant paid Rs.20,00,000/- in cash. Possession of

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the land was handed over to the complainant and remaining amount was also paid by him. Thereafter, four sister-in-laws of Baljit Kaur filed a civil suit against her, claiming rights in the land of their parents and hence, the land could not be registered in the name of the complainant but the possession continued with him. Thereafter, in the year 2014 all the sister-in-laws entered into a settlement among themselves and got an *ex parte* decree against their sister-in-law Baljit Kaur and their share in the said property was registered in their name. The same was challenged by complainant/respondent No.2 in the Court and status quo was granted. The complainant had entered into an agreement to sell with Baljit Kaur, but before the sale deed could be executed, the registry was done in the name of other persons, i.e. Ravinder Kumar (petitioner No.1) and Jagjit Singh (petitioner No.2). It was further alleged that in the sale deed, it has been mentioned that the land was already in possession of Kulwinder Singh (complainant). He alleged that from the last fifteen years possession of the entire land continued with him. However, Ravinder Kumar etc. came to the disputed land to take possession of the same and had given beating to his servant Palwinder Singh and FIR No.2 was registered against them on 19.01.2020 at Police Station Ladhowal. The complainant planted Poplar saplings in the land which was uprooted by them along with 7/8 accomplices. When the complainant went to the land, he found the lock of the Motor room broken and his belongings lying in the Motor room were also found missing. It was alleged that the petitioners with an intention to take forcible possession, had stolen his belongings by breaking the lock of

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the motor room. Thus, a request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced.

3. Learned counsel for the petitioners has vehemently contended that the petitioners are the *bona fide* purchasers of the land and they are falsely and frivolously implicated in the present case. It is submitted that from the bare reading of the allegations made in the FIR, it is apparent that the dispute among the parties is purely of civil nature. He submits that on the registration of the FIR, inquiry was conducted, and finding no truth in the same, cancellation report was recommended. However, the complainant manipulated the same by resorting a second inquiry in which the petitioners have been implicated in a clandestine manner. He submits that two sale deeds registered on 18.10.2018 are in favour of the petitioners and they are already in possession of the land in dispute. He submits that the electricity connection of the motor is also in the name of petitioner No.1. It is submitted that complainant (respondent No.2) filed an application for cancellation of the registry/mutation in the name of the petitioners. However, the same was dismissed after consideration. The complainant assailed the same by way of an appeal against the order dismissing the application for cancellation of the registry/mutation, however, the said appeal was also dismissed by the Assistant Collector Grade II-cum-Tehsildar, Ludhiana. On carrying out the investigation, cancellation report was recommended vide order dated 19.01.2022. He has vehemently contended that the possession of the land is with the petitioners. It is

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contended that once the petitioners are *bona fide* purchasers, they cannot be alleged to have trespassed in their own land. He submits that the cancellation report of the FIR was already recommended and, thus, the Investigating Agency could not have directed further investigation without permission of the Court. He has relied upon the decisions of the Hon'ble Supreme Court rendered in **Minu Kumari v. State of Bihar, 2006(4) SCC 359; Hemant Dhasmana v. CBI, 2001(7) SCC 536; Peethambaran v. State of Kerla and another (Crl. Appeal No.1381 of 2023); and State of Haryana and others v. Bhajan Lal and others, 1991(1) RCR (Crl.) 383**. He has further contended that the dispute is purely of civil in nature and, thus, the FIR in itself is not maintainable as per the law settled. He, thus, submits that prosecution of the petitioners in the present FIR is nothing but an abuse of process of the Court.

4. Learned counsel for the complainant has vehemently controverted the contentions raised by learned counsel for the petitioners. It is submitted that there are allegations against the petitioners having trespassed in the land of the complainant. It is contended that the possession was already with the complainant from the last 15 years and the petitioners, by an illegal means tried to take forcible possession of the land in dispute. The petitioners not only threatened the complainant but also committed theft of the articles from the motor room by breaking the lock. It is submitted that clearly offences as alleged by the complainant in the FIR, are made out against the petitioners. He submits that the dispute is not of the civil nature and, thus, the petition being without any merit, deserves to be dismissed.

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5. Learned State counsel has also opposed the submissions made by learned counsel for the petitioners. It is submitted that on the registration of the FIR, investigation commenced and during the same, it has been found that stay was granted in favour of the complainant, which was violated by the petitioners and, hence, the present FIR was registered. It is submitted that inquiry was conducted by DCP (Investigation) Ludhiana and cancellation report was prepared in the case. However, thereafter, complainant (respondent No.2) filed an application before DGP, Punjab for further investigation and the same was marked by him to SSP, SBS Nagar, who further marked it to DSP, Nawanshahar. It is submitted that thereafter, the case is under investigation and no case is made out for quashing of the FIR.

6. After hearing learned counsel for the parties and perusing the record with their able assistance, it is deciphered that primarily the dispute between the parties pertains to the land in question. Civil suits have already been filed by both the parties claiming the possession of the disputed land. On the registration of the FIR, the investigation was conducted and admittedly, as submitted in the status report filed by the State, by way of an affidavit of Murad Jasvir Singh Gill, PPS, Assistant Commissioner of Police (West), Ludhiana, cancellation report was recommended in this case. However, thereafter, again further investigation was approved on the request of the complainant. There is no denial to the fact that the dispute involved in the present case is of civil nature, for which civil litigations have already been initiated. Sale deeds are already in favour of the

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petitioners. For the dispute in hand, the parties have civil remedies.

7. Hon'ble Supreme Court in the recent judgment rendered in **S.N.Vijayalakshmi and others vs. State of Karnataka and another, 2025 AIR, Supreme Court 3601,** has held as under:-

> "42. Coming to the second question i.e., whether civil and criminal proceedings both can be maintained on the very same set of allegations qua the same person(s), the answer stricto sensu, is that there is no bar to simultaneous civil and criminal proceedings. If the element of criminality is there, a civil case can co-exist with a criminal case on the same facts. The fact that a civil remedy has already been availed of by a complainant, ipso facto, is not sufficient ground to quash an FIR, as pointed out, inter alia, in **P Swaroopa Rani v M Hari Narayana, (2008) 5 SCC 765** and **Syed Aksari Hadi Ali Augustine Imam v State (Delhi Admn.), (2009) 5 SCC 528**. The obvious caveat being that the allegations, even if having a civil flavour to them, must prima facie disclose an overwhelming element of criminality. **In the absence of the element of criminality, if both civil and criminal cases are allowed to continue, it will definitely amount to abuse of the process of the Court, which the Courts have always tried to prevent by putting a stop to any such criminal proceeding, where civil proceedings have already been instituted with regard to the same issue, and the element of criminality is absent. If such element is absent, the prosecution in question would have to be quashed.** In this connection, **Paramjeet Batra v State of Uttarakhand, (2013) 11 SCC 673** can be referred to:
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> > '12. … Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A

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> complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.' (emphasis supplied)

43. In **Usha Chakraborty v State of West Bengal, (2023) 15 SCC 135**, while quashing the FIR therein and further proceedings based thereon, it was observed '…the factual position thus would reveal that the genesis as also the purpose of criminal proceedings are nothing but the aforesaid incident and further that the dispute involved is essentially of civil nature."

8. Parameters for invoking its power under Section 528 of BNSS, 2023 by this Court, have been laid by Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335**, which read as under:-

> "102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases 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 channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:
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> (1)"Where the allegations made in the first information report or the complaint, even if they are taken at their face value

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and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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.

(3) 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.

(4) 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.

(5) 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.

(6)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.

(7) 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

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personal grudge."

9. Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303**, has further held 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 the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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,

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> 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 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."

10. Weighing the facts and circumstances of the present case, on the anvil of law settled, this Court finds that the case in hand is covered by the ratio of the law laid down by Hon'ble Supreme Court. In the considered opinion of this Court, prosecution of the petitioners in the impugned FIR is nothing but an abuse of the process of the Court.

11. In view of the above discussion, this Court finds that the impugned FIR has arisen out of a predominantly civil dispute relating to title and possession of land, and no *prima facie* criminal offence is made out

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against the petitioners. Accordingly, the present petition is allowed. FIR No.98, dated 09.09.2020, registered under Sections 454, 380, 447, 511, 506, 427, 149, 120-B IPC, at Police Station Ladhuwal, District Police Commissionerate, Ludhiana along with all consequential proceedings arising therefrom, is hereby quashed.

(RAJESH BHARDWAJ)
JUDGE

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

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