
(2020) 01 P&H CK 0151

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 1829 Of 2020

Anurag Verma

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 16-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 379, 420, 427, 447, 511

Citation : (2020) 01 P&H CK 0151

Hon'ble Judges : Jasgurpreet Singh Puri, J

Bench : Single Bench

Advocate : Sandeep Kumar Bansal

Final Decision : Dismissed

Judgement

Jasgurpreet Singh Puri, J

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.119 dated 14.08.2019 registered under Sections 379, 447, 427, 511, 420 IPC at Police Station Sadar City-1, Malerkotla, District Sangrur.

Learned counsel for the petitioner has argued that the present FIR is liable to be quashed on the ground that the FIR is a misuse of process of law and that he has been wrongly roped in the present FIR.

On perusal of the FIR (Annexure P-1) it can be seen that in the present FIR direct allegations have been levelled upon the petitioner. It has been stated in the FIR that shop and house of the petitioner is adjoining to the house of the complainant and that they were having ill feeling amongst them. It has been further recorded in the FIR that the petitioner is habitual of lodging false complaint for the last 10 years and in this relation many FIRs have been registered against him and that he has started interfering in the shop of the complainant and is using forcible methods to disturb the peaceful possession after giving open threats to the complainant. It has been further recorded in the

FIR in this regard that interim stay has also been granted by the Civil Court of Malerkotla on 03.05.2018 in favour of the complainant but despite the same, the petitioner is still interfering in the the ownership and possession of the complainant with the threat to dispossess him from the shop.

During inquiry of the FIR, it has come that the applicant Raj Kumar who has alleged in statement that the petitioner and his brother Vishal Sharma with intention to take possession of the shop on 27.04.2018 demolished the back wall of the shop owned by the complainant and stolen 20 bags of wheat and 500 empty bags kept in the shop. The shop was allegedly destroyed with an intention to take possession of the shop.

After going through the contents of the FIR, it can be seen that direct allegations have been attributed to the petitioner and the submission of learned counsel for the petitioner that the FIR is liable to be quashed has no substance because neither any point of law has been urged in the present petition nor any case has been made out for the indulgence of this Court. The law with regard to the quashing of the FIR has been laid down by the Hon'ble Supreme Court in the judgment rendered in State of Haryana and others vs. Ch. Bhajan Lal and others; 1992 AIR 604.

In the present case, the case of the petitioner does not fulfill the test laid down by the Hon'ble Supreme Court in Bhajan Lal's case (supra) as it is not a case that the FIR is prima facie against the law and or is liable to be quashed on the face of it.

In view of the above, present petition is dismissed. However, nothing stated herein above, shall be construed to be an expression on the merits of the case.