
(2007) 10 P&H CK 0158

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-47420 of 2007

Jaswinder Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 01-10-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154, 190, 200
Penal Code, 1860 (IPC) — Section 166

Citation : (2008) 1 RCR(Criminal) 259

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Advocate : Mr. P.S. Ghuman, for the Appellant;

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—Prayer made in the present petition is for issuing direction to Respondent Nos. 2 and 3 to register FIR against Respondent Nos. 5 to 9.

2. The allegation made in the petition is that the Petitioners had purchased 3 Kanal 19 marla of land from Kartar Singh and others and the mutation in this regard was sanctioned in their favour according to the shares disclosed in the petition. Jamabandi for the year 2001-02 shows the ownership of respective Petitioners. Bua Singh, Respondent No. 5, is stated to be owner of 13 Marlas of land and this fact is in the knowledge of Respondent Nos. 5 to 9. Respondent Nos. 6 to 8 are the revenue officials. It is alleged that Respondent Nos. 5 to 9 hatched a criminal conspiracy to deprive the Petitioners of their property of 65.5 marla in Khata Khatauni No. 24/79, Khasra No. 36//23/1 (3-19) by selling it to the nephews of Respondent No. 7, Gulzar Singh, who is Kanungo and real beneficiary of the land. Basic allegation is that Respondent No. 5 has managed to sell 65.5 marla of land to the nephews of Respondent No. 7. It is on this basis, it is urged that offence of cheating is made out against the Respondents, for which a case be registered against them. Counsel for the Petitioners has argued at length to say that as per Section 154 Cr.P.C., it is mandatory upon the S.H.O. to

register an FIR against the accused persons on receiving information of cognizable offence. The counsel had gone to the extent of pleading that inaction on the part of S.H.O. would make him liable for an offence u/s 166 I.P.C. According to the counsel, the offence of cheating is clearly made out and hence, incumbent upon the part of S.H.O. to register FIR. He has made reference to the case of Ramesh Kumari Vs. State (N.C.T. of Delhi) and Others,

3. The facts, as noticed above, would clearly show that it apparently is a case of sale of excess share of land by Bua Singh, Respondent No. 5. It is basically a civil dispute. Merely by alleging that other Respondents have connived in arranging sale of this land to the nephews of Kanungo would not make it a case of cheating. More appropriately it reflects a case of dispute, which is of civil in nature rather than clearly attracting the offence of cheating. As held in the case of Aleque Padamsee and Ors. v. Union of India and others, 2007 (3) RCR(Cri) 815: 2007 (4) RAJ 149: 2007 (3) LH (SC) 2269, it is open to any person being aggrieved of the action of the police to adopt the remedy available u/s 190 read with Section 200 Code of Criminal Procedure No case for issuance of any direction to register FIR is made out.

This petition is accordingly dismissed.