
(2026) 05 P&H CK 1096

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No. 39057 Of 2024

Shah Nazar

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 26-05-2026

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 173, 482
Indian Penal Code, 1860 — Section 323, 380, 454

Citation : (2026) 05 P&H CK 1096

Hon'ble Judges : Mandeep Pannu, J

Bench : Single Bench

Advocate : J.S. Jaidka, Hardeep Hans, S.S. Kalra

Final Decision : Dismissed

Judgement

Mandeep Pannu, J

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.193 dated 09.09.2023 registered under Sections 454, 380 and 323 IPC, 1860 at Police Station Tibba, District Ludhiana (Annexure P-1) and all other subsequent proceedings arising out of the impugned FIR, including the report under Section 173 Cr.P.C. (Annexure P-2), qua the present petitioner.

2. Briefly stated, the complainant-Chetna wife of Paramjit Singh alias Pamma alleged that her husband had taken a hall on rent from Surinder Singh situated at New Company Bagh, Tibba Road, Ludhiana, where a factory was being run by them. It was alleged that disputes arose between her husband and Surinder Singh regarding enhancement of rent and, on account thereof, Surinder Singh and his wife Sarabjit Kaur allegedly started harassing and threatening them to vacate the premises. It was further alleged that a civil dispute was also pending between the parties and stay orders had been passed by the competent Court in favour of the complainant side. The complainant further alleged that on

31.05.2023, when she visited the factory, she found that Surinder Singh and others had broken the locks and stolen various articles including generator, printers, T-shirts, tables, ceiling fans and other goods lying in the factory. It was further alleged that Surinder Singh threatened the complainant to withdraw the pending case, failing which the remaining goods would also be sold. The relevant allegations against the present petitioner are that the complainant came to know that Surinder Singh had sold the house to Saista, wife of Shah Nazeer, resident of House No.138, Mavi Khurd, District Saharanpur, U.P. Thereafter, on 18.08.2023, upon reaching the factory premises, the complainant allegedly found the hall lying vacant and was informed that Surinder Singh had shifted after selling the house and that the new owner had helped in loading the goods into the vehicle. It was specifically alleged that Surinder Singh, Sarabjit Kaur and Shah Nazar had broken the locks of the main gate of the factory and stolen various machines and other articles including bone cutting machine, over lock machines, folding machines, cloth cutters, tables, tube lights, cloth cutting tables, checking packing tablets, thread spools, cloth bales and miscellaneous items. Accordingly, the present FIR came to be registered against the accused persons.

3. Learned counsel for the petitioner has contended that even if the entire allegations levelled in the FIR and the report under Section 173 Cr.P.C. are taken to be correct on their face value, no offence under Sections 454, 380 and 323 IPC is made out against the present petitioner. It has been argued that as per the own case of the complainant, the premises in question had already been sold by the previous owner-Surinder Singh to the wife of the present petitioner and the allegations primarily pertain to a landlord-tenant dispute between the complainant and the previous owner. It has further been contended that the complainant herself alleged that she came to know from a third person that the goods from the factory were being loaded by Surinder Singh and that the "new owner" had merely helped in loading the goods in the vehicle. Learned counsel submits that there are no specific allegations that the petitioner or his wife had dishonestly removed the articles with any criminal intent or that they had acted maliciously to cause wrongful loss to the complainant. Learned counsel for the petitioner has further argued that the complainant was admittedly a tenant in the premises and had an existing dispute with the previous owner-Surinder Singh regarding enhancement of rent and possession of the premises. It is argued that due to the said dispute and frustration arising therefrom, the complainant has falsely implicated the petitioner and his wife merely because the property had been purchased by them from the previous owner. It has also been argued that the petitioner and his wife had purchased the property bona fide through valid sale documents and there was no knowledge regarding any dispute between the complainant and the previous owner. Reliance has been placed upon the sale documents appended with the petition to contend that the seller had assured that the property was free from dispute and that he was in lawful possession thereof. Learned counsel has further contended that no mala fide intention can

be attributed to the petitioner or his wife and that a bare perusal of the FIR does not disclose the commission of any cognizable offence against them. Accordingly, it has been prayed that continuation of the criminal proceedings against the petitioner would amount to abuse of the process of law and, therefore, the impugned FIR and all consequential proceedings deserve to be quashed qua the present petitioner.

4. Learned State counsel, assisted by learned counsel for respondent No.2, has opposed the present petition and argued that the petitioner is specifically named in the FIR and has been found involved during the course of investigation. It has been contended that the petitioner was not merely a subsequent purchaser of the property in question, but was an active participant in the commission of the alleged offences along with co-accused Surinder Singh and Sarabjit Kaur. It has further been argued that during investigation, it was revealed that the petitioner had purchased the disputed property from the co-accused and was in possession thereof at the relevant time when the complainant's belongings were allegedly removed from the premises. Learned State counsel submits that the complainant, in her statement, has categorically alleged that the petitioner aided and facilitated the illegal removal of goods from the rented factory premises after acquisition of the property. Learned State counsel has further contended that the petitioner assisted co-accused Surinder Singh in the unlawful disposal of the complainant's goods and that the role of the petitioner is not incidental in nature, but is directly connected with the alleged illegal dispossession of the complainant from the premises and removal of her articles. It has also been argued that the allegations levelled in the FIR are duly supported by the statements of witnesses recorded under Section 161 Cr.P.C., including the statement of Kuldeep Kumar, who allegedly confirmed the presence and involvement of the petitioner in aiding the co-accused persons in removing the complainant's belongings. Learned State counsel further submits that documentary evidence, including the sale deed executed between Surinder Singh and the wife of the petitioner, indicates that the transfer of ownership took place during the period of occurrence and the site inspection as well as the site plan prepared during investigation substantiate the allegations levelled by the complainant. Learned State counsel has further submitted that the challan already stands presented before learned trial Court on 24.07.2024; however, charges are yet to be framed and no prosecution witness has been examined so far. It is, thus, argued that disputed questions of fact are involved in the present case which can only be adjudicated upon during the course of trial after appreciation of evidence and, therefore, the present petition for quashing deserves dismissal.

5. I have heard learned counsel for the parties and have gone through the record carefully.

6. The scope of interference by this Court while exercising inherent jurisdiction under Section 482 Cr.P.C. is limited and such powers are to be exercised sparingly. At the stage of consideration of a petition for quashing, this Court is

not expected to conduct a mini trial or meticulously examine the veracity and truthfulness of the allegations levelled by the parties.

7. However, in the present case, it is not denied that the petitioner had allegedly helped in removal/loading of the goods along with the other accused persons from the premises in question. The stand taken by the petitioner is that he had merely assisted the other accused persons as the dispute between the complainant and co-accused Surinder Singh was essentially a landlord-tenant dispute and that he had only purchased the property in question through his wife. Whether the petitioner had innocently assisted in loading of the goods without any criminal intent, whether he was aware about the alleged dispute between the complainant and the previous owner, whether the goods belonged to the complainant, whether the petitioner actively participated in the alleged unlawful removal of the articles, and whether the necessary ingredients of the offences alleged are made out against him, are all disputed questions of fact which can only be determined after the parties lead evidence before the learned trial Court.

8. Furthermore, the challan already stands presented and charges are yet to be framed. The petitioner shall be at liberty to raise all the pleas available to him before learned trial Court at the appropriate stage including at the stage of consideration of charge.

9. In view of the aforesaid facts and circumstances, this Court does not find it to be a fit case for exercising inherent jurisdiction under Section 482 Cr.P.C.

10. Accordingly, the present petition is dismissed.

11. However, nothing observed herein shall be construed as an expression on the merits of the case.

12. All pending applications, if any, also stand disposed of.