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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**Reserved on: 28.04.2026
Pronounced on: 04.05.2026
Uploaded on: 05.05.2026**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

1. CRM-M No.25477 of 2021 (O&M)

Naib Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

2.

CRM-M No.33546 of 2022

Swarn Singh Sandhu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. P.P.S. Duggal, Advocate
for the petitioner (*in CRM-M No.25477 of 2021*).

Mr. J.S. Brar, Advocate
for the petitioner (*in CRM-M No.33546 of 2022*).

Mr. Sahil Chowdhary, AAG, Punjab.
for respondent No.1-State (*in both the petitions*).

Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate
for respondent No.2 (*in both the petitions*).



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MANDEEP PANNU, J.

1. Two separate petitions have been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.0069 dated 27.04.2021, registered under Sections 379, 447, 506 and 34 of the Indian Penal Code, 1860 at Police Station Sadar Faridkot, District Faridkot.

2. Learned counsel for petitioner Naib Singh has contended that the present FIR is nothing but an abuse of the process of law and has been got registered at the instance of respondent No.2 due to ulterior motives and extraneous considerations. It is submitted that the dispute between the parties is purely of a civil nature arising out of an agreement to sell dated 06.01.2001 with respect to land measuring 26 kanals situated at Village Quilla Nau, Tehsil and District Faridkot, for which a civil suit for possession by way of specific performance had already been filed and decided in favour of respondent No.2, against which Regular Second Appeal is pending before this Court, wherein operation of the impugned judgment has been stayed and the said stay order is still in force. It is further contended that despite the subsisting stay order, which was well within the knowledge of the police officials as well as respondent No.2, a false and fabricated version has been set up and the present FIR has been registered. It is argued that the petitioner is in possession of the land in question and had sown the wheat crop, and apprehending interference, had already moved representations to the SHO and SSP seeking protection, but no action was taken. Learned counsel further submits that on 27.04.2021, the petitioner was illegally detained by the police at the instance of



respondent No.2, who is an influential person, and during such illegal detention, the crop was got harvested by respondent No.2 with the aid of police officials. It is contended that in order to justify the illegal acts and detention, the present FIR has been falsely registered against the petitioner and others. It is also argued that the registration of the FIR, despite the subsisting stay order passed by this Court, is in clear violation of the rule of law and amounts to gross misuse of the process of law. The police officials, being aware of the stay order, have acted in connivance with respondent No.2 and are liable for appropriate action. On these grounds, it is prayed that the FIR in question be quashed.

3. Learned counsel for petitioner Swarn Singh Sandhu has argued on the same lines as raised by learned counsel for petitioner Naib Singh and has adopted the said arguments. It is further submitted that the allegations in the FIR are false and have been levelled with an oblique motive, and the dispute between the parties is essentially civil in nature, arising out of the agreement to sell and pending litigation between the parties. Hence, it is prayed that the FIR in question be quashed qua the present petitioner as well.

4. On the other hand, learned State counsel has opposed the present petitions and submitted that the allegations levelled in the FIR disclose the commission of cognizable offences and the same have been duly substantiated during the course of investigation. It is contended that petitioner Naib Singh was arrested on 28.04.2021 and during interrogation, he disclosed that the stolen wheat crop had already been disposed of,



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whereupon Section 201 IPC was added. It is further submitted that co-accused Swarn Singh was served with notice under Section 41-A Cr.P.C., joined the investigation and disclosed that he had gone to the land of complainant Balwinder Singh to harvest the wheat crop at the instance of petitioner Naib Singh. The tractor and trolley used in the commission of offence were also taken into possession. Learned State counsel has further argued that the investigation has revealed that the possession of the land in dispute already stood delivered to respondent No.2 and the revenue record, including mutation and khasra girdawari, stands in his name. It is contended that as per the agreement to sell, possession had already been handed over to respondent No.2 and even the execution proceedings had been withdrawn after satisfaction. Therefore, the petitioners had no right over the land and had illegally attempted to interfere in the peaceful possession of respondent No.2. It is further submitted that the stay order relied upon by the petitioners was obtained without disclosing complete facts and, in any case, no execution proceedings were pending at the relevant time, therefore, the said stay order does not come in the way of criminal proceedings. It is argued that the petitioners have not approached this Court with clean hands and have concealed material facts. On these grounds, learned State counsel submits that the FIR is genuine, the allegations are supported by the material collected during investigation, and no case for quashing is made out.

5. I have heard learned counsel for the parties and have gone through the record of the case with their able assistance.



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6. At the outset, it is to be noticed that the present petitions have been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0069 dated 27.04.2021 registered under Sections 379, 447, 506, 34 IPC (and subsequently Section 201 IPC added) at Police Station Sadar Faridkot. The law with regard to exercise of inherent jurisdiction under Section 482 Cr.P.C. is well settled that such power is to be exercised sparingly and with great caution, and only when the allegations in the FIR do not disclose any offence or where continuation of proceedings would amount to abuse of the process of law.

7. In the present case, from a perusal of the record and the status report, it transpires that during investigation, petitioner Naib Singh was arrested and on interrogation disclosed that the harvested wheat crop had already been disposed of, leading to addition of offence under Section 201 IPC. Co-accused Swarn Singh joined the investigation pursuant to notice under Section 41-A Cr.P.C. and admitted his presence at the spot along with the tractor and trolley, which were allegedly used in the commission of the offence and were taken into possession by the investigating agency.

8. Significantly, the investigation has further revealed, on the basis of the revenue record produced by the complainant/respondent No.2 that the possession of the land in dispute stood delivered to respondent No.2. The mutation as well as khasra girdawari entries stand incorporated in the name of respondent No.2, thereby reflecting his possession over the land. The agreement to sell placed on record also indicates that possession had been handed over to respondent No.2 at the time of execution of the



agreement. Even the execution proceedings, as per the material collected, were withdrawn being satisfied, which further fortifies the stand that respondent No.2 was in settled possession.

9. The contention of the petitioners that they were in possession of the land and had sown the wheat crop is, thus, a disputed question of fact, which stands contradicted by the revenue record and other material collected during investigation. Such disputed factual aspects cannot be adjudicated upon in proceedings under Section 482 Cr.P.C.

10. Further, the argument raised by learned counsel for the petitioners with regard to the stay order passed by this Court in the civil proceedings is also of no avail. A perusal of the record shows that no execution proceedings were pending at the relevant time and the execution had already been satisfied. Therefore, the said stay order cannot be construed to confer any right upon the petitioners to interfere in the possession of respondent No.2, nor does it bar the initiation or continuation of criminal proceedings arising out of alleged acts constituting cognizable offences.

11. It is also pertinent to note that the allegations in the FIR, *prima-facie*, disclose commission of offences under Sections 379, 447, 506 and 34 IPC, as the petitioners are alleged to have trespassed into the land, harvested the standing wheat crop and taken away the same, besides extending threats to the complainant. The material collected during investigation lends support to these allegations. At this stage, this Court is not required to conduct a mini trial or to meticulously examine the



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evidence.

12. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that no case for quashing of the FIR is made out. The pleas raised by the petitioners involve disputed questions of fact, which are required to be adjudicated upon by the trial Court on the basis of evidence led by the parties.

13. Accordingly, finding no merit in the present petitions, both the petitions are hereby dismissed.

14. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case and shall have no bearing on the trial, which shall proceed independently in accordance with law.

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

04.05.2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No