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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-17197-2019 (O&amp;M)

Date of decision : 28.08.2025

APARAJITA MOHANTY &amp; ANOTHER

... Petitioners

Versus

STATE OF PUNJAB &amp; OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh, Advocate  
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.35 dated 04.05.2015 registered under Sections 447, 511, 380, 506, 34 IPC at Police Station Cantt. Bathinda, District Bathinda along with all consequential proceedings arising therefrom.

2. The brief facts of the case are that respondent No.2-Jatinder Kaur got registered the instant FIR which reads as under:-

*“Copy of Statement: Smt. Jatinder Kaur wd/o Jasvir Singh Grewal, resident of # 20489-D, Street No.25B, Ajit Road, Bathinda, aged 45/46 years, Mobile No.9988573236 stated that I am resident of above said address. For the last some time, I with my family had gone to America and the aforesaid Kothi was handed over to Sh. Mani Singh, Retired Head Teacher, residing in Street No.16, Ajit Road, Bathinda for its management and maintenance. Tapan Kumar Mohanty son of Kedar Nath Mohanty, who belongs to Bhubaneshwar (Orissa) and is known to Sh. Mani Singh, Retired Head Teacher, occupied the said Kothi some time back. In Jan., 2014, We*

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*have agreed upon to sell the entire Kothi built on plot measuring 500 sq. yards for a sum of Rs.1,25,00,000/- to Tapan Mohanty and he gave Rs.30,00,000/- as earnest money to me and It was settled to pay the remaining sale consideration on 1.8.2014 and get the sale deed of the said Kothi executed and registered, but he has not got executed the same. I, prior to entering into agreement, kept one bed room, servant room and one store of the said Kothi for my residence while coming to Punjab and that one bed, one whirlpool fridge, microwave oven and other daily use articles were lying and in two rooms, two ceiling fans were also installed and 4-5 cots were also lying in the said rooms which they without my consent and permission, Tapan Mohanty and his wife Aparajita Mohanty have broken the locks of the said rooms and committed theft of the articles lying in the said rooms. When I came to Punjab about two months back and when I tried to enter in my house, Tapan Mohanty and his wife Aparajita did not allow me to enter in her own Kothi. When in one way or the other I entered in the kothi and after checking I found that theft of my aforesaid articles had been committed. On my enquiry, the said husband/wife started threatening me instead of giving any satisfactory reply Thereupon, I kept under lock the residue articles and went to my relatives Gurdeep Singh son of Sh. Gurdial Singh, resident of # 79, Patel Nagar and Ravinder Singh son of Gurjant Singh, resident of Green Palace Wali Gali, Bathinda to inform them and to seek their help. Today in morning, when I along with Gurdeep Singh and Ravinder Singh went to my Ajit Nagar Kothi, I found that Tapan Mohanty and his wife Aparajita Mohanty were trying to take possession of my rooms by breaking the locks and my above said articles have been stolen. Legal action be taken against them. In my bed room my purse of Cduel make containing \$ 1000, Rs.20,000/-, 4-5 sets of gold tops costing Rs.83,000/- and the bed, fans, fridge etc. Costing Rs.40.000/- have been stolen. Statement has been*



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*got recorded, heard. Action be taken Tapan Mohanty and Aparjita as per law. The total value of stolen articles is Rs.1,23,000/-. Sd/- Jatinder Kaur. Sd/- Sadhu Singh ASI, PS Cantt, Bathinda dated 4.5.2015.”*

3. Pursuant to the registration of the FIR, the report under Section 173(2) Cr.P.C. was presented.

4. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. In fact, respondent No.2/complainant Jatinder Kaur had agreed to sell her house on 20.01.2014 for a total consideration of Rs.1.50 crores. The petitioner No.2 had paid earnest money of Rs.30 lakhs and the date of registration was fixed for 31.07.2014. Despite, petitioner No.2 asking the complainant/respondent No.2 to provide the original documents of the house to show her ownership, she did not to do so. Thereafter, the complainant/respondent No.2 along with certain other persons attempted to evict the petitioners who were running a tuition centre from the premises in question. Petitioner No.2 filed a complaint with the SSP, Bathinda but no action was taken thereon. On the same day, the complainant/respondent No.2 filed a false and frivolous application with the NRI Police Station stating that petitioner No.2 had broken upon the lock of the room in the possession of the complainant/respondent No.2 and had stolen away some goods. The matter was thoroughly inquired into and vide inquiry report dated 30.08.2014 (Annexure P-3), it was found to be a case of a civil dispute and there was no evidence of any theft. Subsequently, the instant FIR (Annexure P-1) has been filed with



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reference to the occurrence of August, 2014 as also the purported occurrence of 04.05.2015 wherein, it is stated that the petitioners committed the offences in question. He contends that in fact, on 04.05.2015 itself petitioner No.1 was in an illegal custody of the police since 09.00 AM in the morning. The FIR came to be registered in the evening and petitioner No.1 was released from custody only after 08.00 PM. Therefore, the question of both the petitioners committing the offences in question does not arise. Reference is made to an inquiry report dated 05.05.2015 (Annexure P-13) sent by Mr. Vikrant Kumar, PCS, CJM, Bathinda to the District and Sessions Judge Bathinda. He thus, contends that a reading of the FIR along with the admitted documents on record would establish no offence whatsoever and therefore, the present FIR is liable to be quashed.

5. None has put in appearance on behalf of respondent No.2. It has been brought to the notice of this Court that respondent No.2 was a proclaimed offender in FIR No.65 dated 29.07.2015 U/s 454/380/34 IPC P.S. Cantt., Bathinda got registered at the instance of the petitioners. Be that as it may, since the petitioners have sought quashing of the FIR on admitted official documents, there is no requirement for the complainant/respondent No.2 to be heard.

6. On the other hand, the learned State counsel while referring to the reply dated 23.09.2024 contends that the accused/petitioners had broken the locks of the premises in question and had committed theft. The report under Section 173 Cr.P.C. stands presented on 06.09.2018. As



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the offence is *prima facie* made out, no case for quashing of the FIR is made out. He, however concedes that based on an application moved by petitioner No.2, an FIR No.65 dated 29.07.2015 U/s 454/380/34 IPC P.S. Cantt., Bathinda stands registered against respondent No.2-Jatinder Kaur and others. He also admits that regarding the occurrence of August, 2014 it had been found by the SHO NRI Wing, Bathinda vide report dated 30.08.2014 (Annexure P-3) that no offence was made out. Regarding the instant occurrence, he concedes that as per the report of the CJM, Bathinda, petitioner No.1 was taken into illegal custody by the police in the morning of 05.05.2015 and was released only later that evening.

7. I have heard the learned counsel for the parties.

8. A perusal of the rival contention would establish beyond doubt that the petitioners were tenants in the property in question. They entered into an agreement to sell with the purported owner respondent No.2-Jatinder Kaur. For reasons best known, no sale deed was executed. The complainant/respondent No.2 first moved an application regarding trespass and theft on 04.08.2014 (Annexure P-3). The said application was found to be baseless and the SHO NRI Wing, Bathinda on an inquiry came to the conclusion that the dispute between the parties was of a civil nature and the allegations of threats and misappropriation of articles or embezzlement were not made out. Regarding the instant FIR where the allegations are of trespass and theft on 04.05.2015 (Annexure P-9), a bare perusal of the inquiry report addressed by CJM, Bathinda to



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the District and Sessions Judge, Bathinda on 05.05.2015 (Annexure P-13) would show that petitioner No.1-Aparajita Mohanty was taken into illegal custody by the police in the morning of 04.05.2015 and the FIR in question came to be registered only at 04.15 PM on 04.05.2015. Petitioner No.1-Aparajita Mohanty came to be released from police custody by the CJM, Bathinda at 08.07 PM. Therefore, the question of the petitioners breaking the locks of the premises and stealing articles in the morning of 04.05.2015 does not arise.

9. The upshot of the aforementioned discussion is that the registration of the instant FIR is nothing but an abuse of the process of the Court. Therefore, FIR No.35 dated 04.05.2015 registered under Sections 447, 511, 380, 506, 34 IPC at Police Station Cantt. Bathinda, District Bathinda along with all consequential proceedings arising therefrom stands quashed.

**(JASJIT SINGH BEDI)**  
**JUDGE**

**28.08.2025**  
JITESH

**Whether speaking/reasoned:- Yes/No**  
**Whether reportable:- Yes/No**