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

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Decided on : 13.07.2026**

Anju Bala and others

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Singh Jattan, Advocate,
Ms. Varsha Chaudhary, Advocate and
Ms. Sundeep Kaur, Advocate
for the petitioners

Ms. Malvika Singh, DAG Haryana

Mr. Akashdeep Singh, Advocate and
Mr. K.J.S. Bhullar, Advocate
for respondent No. 2

SANJAY VASHISTH, J. (Oral)

1. All the nine petitioners, who were Sarpanch and Panches of the Gram Panchayat, Village Pilkhani, District Ambala elected for the term 2016 to 2020 have filed the instant petition under Section 482 Cr.P.C., for quashing of Complaint No. 270 of 2018, dated 16.11.2018, under Sections 120-B, 406, 447, 419, 420, 426, 427 IPC (Annexure P-3), and summoning order dated 28.03.2019 (Annexure P-4) passed by learned JMIC, Ambala, vide which they have been summoned to face trial for the offences under Sections 420, 419 and 120-B IPC.

2. Respondent No. 2, who is resident of village Pilkhani, Tehsil and District Amabala filed a criminal complaint against the Sarpanch and all the Panchayat members claiming himself to be share in the land of Mushtarka Malkan,



which is used, managed and cultivated by the complainant and other proprietors of the village.

Further alleged that in the year 2006, mutation No. 2092 of the land measuring 1825K-10M was entered and sanction in favour of proprietors of village Pilkhani from the Gram Panchayat. No title exists with the Gram Panchayat or Sarpanch in the revenue record, though there is no need to deal with the land.

Since land is utilized for setting up of 66 KV Power Station for the village inhabitants, respondent No. 2 firstly moved complaint to the police in which no substance was found, however, later on filed the impugned complaint dated 16.11.2018 and the relevant part of it reads as under:

“3. That out of above said land of Mustarkha Malkan, accused no.1 intentionally. and with malafide intention while acting sarpanch manipulated the sale deed of land out of land bearing khasra no.19//14/2, 15, 6, 5/2, 28//1, 10, 11/1 total measuring 4 acres 11 marlas in active connivance and out of criminal conspiracy with accused no. to 13 who are present panch in the Gram Panchay of village Pilkhani by preparing false resolution for the purpose of false and wrong sale deed dated 25.05.2018 and alleged false sale consideration of Rs.1,01,72,500/- i.e 1 Crore one lakh seventy two Thousand.

It is pertinent to mention here that accused no.1, 3 to 11 were well aware that they not neither competent nor were having right, title or interest to transfer the land by executing any document for the above said land. The alleged sale deed has been manipulated only with an intent to derive wrongful -monetary gains by causing wrongful loss to the complainant and other proprietors.

4. That all the accused in their criminal conspiracy with each other prepared and manipulated the transferred documents of land of complainant by misrepresenting the revenue authorities and other proprietors and got successful in transferring the land in favour of UHBVN through accused no.2 being S.D.O in fraudulent manner.

5. That the land in question has been transferred and delivered without the consent and knowledge of complainant with sole intention to cause loss to the complainant. The land in question has been shown be transferred by passing false and manipulated resolution by accused no.3 to 11 with an intention to deceive the complainant and used the forged documents by alleging it as genuine and falsified



the accounts. While accused no.12 and 13 stood attesting witness over the alleged sale deed.

6. *That accused no.14. being Sub-registrar, Ambala Cantt totally ignored the revenue record and title of Proprietor over the land in question and got criminal sale deed in registered the false conspiracy with all accused.*

7. *That Complainant on coming to know about the above said matter lodged his complaint dated 31.07.2018 to the S.P Ambala against the accused but no action has been taken against the accused by the police officials and deliberately made false reference of permission without looking into proper aspect of the case in connivance with the accused and made tainted investigation which is apparent on its face.*

8. *That as accused no.1 is the acting Sarpanch which and accused no.2 is SDO UKBVN who has taken active participation in the commission of offence in preparing and manipulating the record with all oher accused who are present panches having full knowledge that Gram Panchayat is having no concern overt the land in question.*

It is, therefore, prayed that complaint of the complainant may kindly be sent U/s 156(3) Cr.P.C to the concerned P.S the matter into- and to register a case under 406, 417, 419, 420, 426, 427 of IPC against above mentioned accused persons.”

After leading of the preliminary evidence by the complainant, Court of learned JMIC Ambala (trial Court) summoned the petitioners vide its impugned order dated 28.03.2019, hence, petitioners are before this Court by way of present petition for quashing of the complaint and all subsequent proceedings.

Claiming it to be a total misuse of the provisions of criminal law, petitioners narrated the details, which are recorded here after.

3. By passing a resolution, the Gram Panchayat of Village Pilkhani (for the year 2010 to 2015) allocated land measuring 32 Kanals, 11 Marlas, owned and possessed by it, for the construction of Power House (66 KV Sub Station) by Haryana Vidyut Parsaran Nigam Limited (hereinafter 'HVPNL'). In this regard, the then Gram Panchayat passed Resolution No. 1, dated 08.05.2012, vide which it was unanimously decided that an HVPNL Sub Station was required in the village



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to ensure regular supply of electricity for the inhabitants of the village and the surrounding areas.

4. On 28.08.2012, HVPNL, Sector 6, Panchkula, wrote to the Superintending Engineer, (Civil Design, Sub Station Design, Civil-cum-MTC Circle), identifying a new site on land of the village Pilkhani, for setting up 66 KV Sub Station. Thereupon, one resolution dated 16.03.2013, was passed allocating the land of Khasra No. 19//14/2, 19//15, 19/6, 19//15/2, 18/1, 18//10, 18//11/1 (totaling 32 Kanals 11 Marlas), for the construction of the 66 KV Sub Station in village Pilkhani.

5. Vide another resolution dated 06.06.2014, the then Gram Panchayat resolved that out of the total land area measuring 1947 Kanals 19 Marlas, an area of 317 Kanals 4 Marlas, was under cultivation, whereas an area of 1630 Kanals 15 Marlas was uncultivated. In the same resolution, it was noted that from the available land, Gram Panchayat had allocated 4 Acres 1 Kanal 1 Marla area for the aforementioned purpose. The Gram Panchayat was ready to transfer its land to HVPNL at the market rate for construction of the power house so that the villagers could get a regular supply of electricity.

6. Thereafter, Tehsildar, Ambala, assessed the market value of the land at the rate of Rs.25,00,000/- per acre vide report dated 05.02.2015. Ultimately, the objective was achieved when the Sub Station was constructed and installed by the HVPNL in the village and it was inaugurated by the then Chief Minister of Haryana on 05.01.2017, which is till date, in operation, for the purpose of supplying required electricity in the area.

7. It is also worth mentioning that the sale consideration of Rs.1,01,72,500/-, received by the Gram Panchayat in lieu of the land

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given/transferred to HVPNL, vide sale deed dated 25.05.2018, is currently lying deposited in the form of an FDR in the concerned Bank Account of the Gram Panchayat. It was due to factional politics within the village that one of the members of the Gram Panchayat/villagers, namely, Gurdev Singh (respondent No. 2) filed the aforementioned complaint, in which all the petitioners have been summoned as accused to face trial under the aforementioned offences, vide impugned order dated 28.03.2019, passed by the learned trial Court.

8. Learned counsel for the petitioners argues that no criminality from any angle can be alleged against the petitioners or any other person/accused, as asserted by the complainant. Rather, the steps, taken by the petitioners were entirely an offshoot of the resolutions passed by the earlier Gram Panchayat(s) for the welfare of the residents of village Pilkhani and surrounding areas, more so without any personal or unlawful gain. Moreover, the substantial amount of Rs. 1,01,72,500/- was directly credited in the account of the Gram Panchayat, in lieu of the sale deed executed in favour of HVPNL. There is no allegation in the complaint, nor even in the summoning order that petitioners or any other member of Gram Panchayat usurped a single penny for their personal gain or for the gain of their family members. Thus, prays for quashing of the impugned proceedings, i.e. complaint and all consequential proceedings arising therefrom.

9. On the other hand, in the reply dated 25.02.2020, in which the facts stated by the petitioners during submissions in the petition as well as addressed during hearing, have been admitted. However, the reply does not reflect that State actually agreed with the action of the Gram Panchayat. Furthermore, it is stated in the reply by the State that the complaint filed by respondent No. 2 was enquired and no substance was found in it. Even from State reply, it could not be gathered



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that any fault was found regarding the genuineness of the resolution passed by the Gram Panchayat at relevant time.

10. Learned counsel representing respondent No. 2 argues that, the land in question was recorded as *mushtarka malkan* in the revenue records, and such land could not be transferred without initiating any acquisition proceedings and that unless the lawful procedure for acquisition is followed, it constitutes a violation of Article 31-A of the Constitution of India. In support of his submission, learned counsel places reliance on the judgment of Hon'ble Apex Court in ***State of Haryana vs. Jai Singh, 2025 AIR CC 2969.***

Further argues that the land has been mis-utilized by the petitioners, without there being knowledge to the share holders including respondent No. 2, would amount to misuse of the power and such act in furtherance thereto, deprive respondent No. 2 and other share holders from their statutory rights. Thus, submits that there being no illegality in summoning the petitioners for facing trial in regard to the alleged offences, petition, thus, be dismissed,

11. I have heard learned counsel for the respective parties and examined the record.

12. This Court does not subscribe the argument of respondent No.2/complainant. Record reveals that, in the first instance, respondent No. 2 had approached the police by filing a complaint. When no substance was found therein and no action was taken, the present complaint was filed by him. Moreover, there is strong doubt if the allegations made in the complaint lacks any substance of criminality or any factual basis.

13. It is strange that, at the instance of one villager, the entire Gram Panchayat is projected as accused and without even looking at the complete set of



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allegations alongwith the documents on record, they were summoned by the Court of learned Magistrate. It is nobody's case that petitioners received any pecuniary gain in their personal account or in their family members bank account, nor it is alleged that documents and resolutions passed by the Gram Panchayat from time to time were fake, false or forged. Infact, it is also not in dispute that the sale price, mentioned in the sale deed in favour of HVPNL, in lieu of which the 66 KV Project was installed, was credited in the account of Gram Panchayat, and the Fixed Deposit Receipt (FDR) still exists.

14. From the record it emerges that the sole purpose for which Gram Panchayat, used to assemble many times and resolved almost unanimously, to install power project in the village for use of all the villagers, who otherwise were living in a compulsive atmosphere with the darkness after sunset as there was no electricity supply in the village. Even the evaluation of the land was fixed by senior officials of the Department of Panchayat and thereupon, entire project was executed by the Gram Panchayat after taking into confidence the other Government Agencies i.e. Block Development and Panchayat Officer (BDPO) and also HVPNL.

15. This Court has also taken notice of the prime submission of respondent No. 2/complainant that he has his own share holding in Mushtarka Malkan land and same was cultivated for several years alongwith others (as pleaded in the complaint). Had this been the actual position, first of all respondent No. 2 could have proceeded to civil Court for protecting his possession. There is nothing mentioned in the complaint nor any evidence brought before the Court, which could show that at any point of time after passing of the resolution, till filing of the compliant ever respondent No.2/complainant tried to protect his possession



over the land of his share. As far as the law laid down by Hon'ble Apex Court in the case of *Jai Singh (supra)* is concerned, it would not be applicable by any means in the present proceedings.

Firstly, by seeking remedy under civil law, complainant/share holder is needed to plead his share and if any supporting revenue documents are there, then such share holder would seek declaration to that effect. In case, land has already been used by the Gram Panchayat without paying compensation, then amount of compensation, could have been claimed, by any of the share holder in Mushtarka Malkan only, and that too, when land was/is never utilized for any of the common purpose of the village. However, in the present case, there is no such declaration, where Sub Station 66 KV is installed with the resolution of the Gram Panchayat, recorded as Mustarkha Malkan, Shamlat Deh or that same is Bachat Land. All the more, citing the judgement of Hon'ble Apex Court in the case of *Jai Singh (supra)*, the members of Panchayat can not be held liable to face punitive proceedings. Thus, in the facts and circumstances, the reliance placed by respondent No. 2 on the judgement of the Apex Court, by prosecuting the panchayat members is misconceived.

On examination of the criminal complaint, this Court could not find that in any manner Gram Panchayat or Sarpanch or any of its Panch has gained monetarily. Mere allegation that complainant has been put to loss would not enough to penalize the members of the Panchayat by forcing them to face the trial in a criminal case.

16. Complaint filed by respondent No.2/ complainant seems to be without any substantial reason and that too without even challenging the validity of sale deed in favour of HVPNL, this Court has no hesitation to say that the criminal



proceedings initiated by respondent No. 2 is totally misuse of the criminal law.

17. Reliance can be placed on ***Salib @ Shalu @ Salim vs. State of U.P. And others, 2023(4) RCR(Criminal) 127.*** While dealing with an FIR case, in para No. 26, Apex Court followed the principle which was there in the case of ***State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335*** i.e. -

(i) *where the allegations made in the first information report or the complaint even if they are taken up at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

(ii) xx xx xx xx xx

(iii) *Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

(iv) xx xx xx xx xx

(v) *Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*

P.M. Lokanath and others vs. State of Karnataka and another, 2025(2) RCR(Criminal) 11 also fortify the parameters laid down in the case of ***Bhajan Lal's (supra).***

18. While dealing with the present controversy, reliance is also placed upon ***Inder Chand Bagri vs. Jagadish Prasad Bagri and another, 2026(1) RCR(Criminal) 57.*** taking up the issue that continuation of the criminal proceedings against the accused is the causing of undue harassment to him, despite the fact that no *prima facie* case for punishing the accused is made out. Again in, ***Inder Mohan Goswami vs. State of Uttaranchal, (2007) 12 SCC 1*** and ***Vishal Noble Singh v. State of Uttar Pradesh, 2024 SCC Online SC 1680,*** reads as



under:

*“25.Furthermore, in **Inder Mohan Goswami**, it was held by this Court that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. It was further held by this Court that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. In view of the above and for the reasons stated above, we are of the firm opinion that to continue the criminal proceedings against the appellant-accused herein would cause undue harassment to him because as observed hereinabove, no prima facie case for the offence under Sections 406 or 420 of the IPC is made out.*

26. xx	xx	xx	xx	xx
27. xx	xx	xx	xx	xx

*28. At this juncture, we find it apposite to mention the observations of this Court in **Vishal Noble Singh v.State of Uttar Pradesh, 2024 SCC OnLine SC 1680** wherein it was observed that in recent years the machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of omission and commission having an adverse impact on the fabric of our society must be nipped in the bud. We say so for the reason that while the complainant/respondent No. 1 has made grave allegations against the appellant herein, he has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.*

19. Complainant filed the complaint against construction of 66 KV Power Station in the village, which definitely could have hampered the developmental Project in the village at the instance of complainant and that too without giving any plausible explanation as to what persuaded or instigated him to file such a complaint or how he himself is an aggrieved party. This Court is of considered



view that such a progressive and developmental project is rarely undertaken by the village Panchayats in this part of the country. The objective of the Panchayat needs to be appreciated so that it may encourage the other Panchayats also in the State to take up the developmental work on their own, even without there being any strong demand by the villagers.

Moreover, till date there is nothing to suggest that the sale deed in question was ever challenged by respondent No. 2 in any Court of law.

20. Thus, applying the principle of law in the case of *Bhajan Lal (supra)*, this Court is unable to see any criminality in the allegations or the purpose for which the land was given to the HVPNL by the Gram Panchayat, through the petitioners, after being duly elected by a majority of the villagers, therefore, present petition is allowed. Consequently, Complaint No. 270 of 2018, dated 16.11.2018 and summoning order dated 28.03.2019 alongwith all consequential proceedings are quashed, qua petitioners.

21. Before parting with the order, since complainant/Respondent No.2 has unnecessarily filed complaint, thereby harassing and pressurizing the Panchayat and its members, he is directed to pay costs of Rs. 1,00,000/- (Rupees One lakh only) to the Gram Panchayat, Village Pilkhni, District Ambala on or before 17.10.2026, failing which Petitioner will be liable to pay additional cost amount @ Rs. 1,000/- for each day of delay. Costs is being imposed as a deterrent, so that message could reach to others also, not to ever file false and frivolous criminal complaints and that too without any locus.

22. Let a copy of this order be sent to the respective Additional Chief Secretary(s) to the States of Punjab and Haryana, Department of Rural Development and Panchayats, for its onward circulation amongst various Gram

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Panchayats located in different Districts of the State of Punjab, so that they may also get inspiration/encouragement to take such steps and come forward to initiate projects of the village welfare and residents of the area.

23. Pending application(s), if any, stands disposed of.

July 13, 2026*reena***(SANJAY VASHISTH)
JUDGE***Whether speaking/reasoned: Yes**Whether Reportable: Yes*