

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-20058 of 2014 (O&M)
DATE OF DECISION : 9.3.2015

Indira Rani and another

PETITIONERS

VERSUS

Union Territory of Chandigarh and others

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri K.S.Chaudhary, Advocate for the petitioners.

Shri S.S.Toor, Advocate.

Shri Kanwar Sanjiv Kumar, Advocate for respondents 6 and 7.

MAHESH GROVER, J.

This is a petition under Section 482 Cr.P.C. praying for appropriate directions to respondents 1 to 3 to take legal action against respondents 4 to 7 for criminal trespass given effect to with the assistance of respondents 4 and 5.

The petitioners alleged that they had purchased House No.804,

E.W.S. Charan Singh Colony, Mouli Jagran Complex, U.T.Chandigarh in 2009

and were the sole owner in possession of the same. It is alleged that respondent No.7 is having illicit relations with her own father-in-law namely Om Parkash who is the husband of the petitioner. Her son who was married to respondent No.7, has since died. It is alleged that the house has been clandestinely usurped by the respondents in active connivance with the police officials.

Although the reply has not been filed by respondents 4 and 5, yet their counsel has stated before this Court that it is a family dispute where petitioner No.2 has a marital discord with respondent No.6 who is living with respondent No.7, their daughter-in-law after the death of the son. They have stated that they have no role to play in this dispute and have been wrongly arrayed as respondents.

Upon consideration of the matter, I am of the view that these are the matters which cannot be ascertained in the exercise of the jurisdiction of this Court under Section 482 Cr.P.C. being matters of fact to be established by way of evidence. If possession of a property has been usurped by some relations, then it may be a cause to the petitioners to agitate before the Civil Court and if some wrong has been done such as trespass etc., that may be a cause for them to approach the Court of Magistrate by filing an appropriate complaint.

The petition is dismissed leaving the petitioners to their remedies under the law.

Before parting with the order, it has to be noticed that the issue was referred to the Mediation and Conciliation Centre of this Court where no conclusive result could be achieved.

March 9, 2015
GD

(MAHESH GROVER)
JUDGE