

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

**CRM-M-27846 of 2012 (O&M)
Date of Decision: 12.10.2015**

Kulwant SinghPetitioner

Vs.

State of Punjab and othersRespondents

CRM-M-30817 of 2012 (O&M)

Kulwant SinghPetitioner

Vs.

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Nikhil Datta, Advocate for
Mr. M.K.Sajjan, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Additional A.G. Punjab.

Mr. K.B. Raheja, Advocate
for the private respondents.

- 1. To be referred to the Reporters or not?**
- 2. Whether the judgment should be reported in the Digest?**

RAMESHWAR SINGH MALIK J.

These two identical petitions under Section 482 of the Code of Criminal Procedure ('Cr.P.C' for short) bearing CRM-M-27846 of 2012 and CRM-M-30817 of 2012 filed by the same petitioner against the same impugned order dated 25.7.2012 passed by the learned Additional Sessions Judge, Ferozepur, whereby two

identical revision petitions filed by the respondents were allowed, are being decided together. However, for the facility of reference, facts are being culled out from CRM-M-27846 of 2012.

Notice of motion was issued and pursuant thereto, reply was filed.

It is a matter of record and no more in dispute between the parties that during pendency of these petitions, civil litigation initiated at the instance of the petitioner has been decided against him. His civil suit for permanent injunction restraining the respondents from dispossessing him from the suit land was dismissed by the learned trial court vide judgment and decree dated 13.8.2014. Thereafter, petitioner filed civil appeal No. 67 of 19.9.2014 which also came to be dismissed by the learned Additional District Judge vide his judgment dated 24.9.2015. It is also not in dispute that no incident of any breach of peace between the parties has taken place after passing the impugned order dated 25.7.2012.

Faced with the above said material change in the circumstances of the case during the pendency of these petitions, learned counsel for the private respondents submits that both these petitions have been rendered infructuous and the same may be disposed of, as such. However, learned counsel for the petitioner disputes the statement made by learned counsel for the respondents and prays for allowing both the petitions.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful

consideration to the rival contentions raised, this Court has found the learned counsel for the private respondents fully justified in contending that since civil litigation has been decided against the petitioner, both these petitions would not survive any further.

The law in this regard was settled by the Hon'ble Supreme Court in **Ram Sumer Puri Mahant Vs. State of U.P. and others, AIR 1985 SC 472**. The relevant observations made by the Hon'ble Supreme Court in Ram Sumer Puri Mahant's case (supra), read as under:-

“When a civil litigation is pending for the property wherein the question of possession is involved and has been adjudicated, initiation of a parallel criminal proceeding under Section 145 of the Code would not be justified. The parallel proceedings should not be permitted to continue and in the event of a decree of the civil Court, the criminal court should not be allowed to invoke its jurisdiction particularly when possession is being examined by the civil court and parties are in a position to approach the civil court for interim orders such as injunction or appointment of receiver for adequate protection of the property during pendency of the dispute. Multiplicity of litigation is not in the interest of the parties nor should public time be allowed to be wasted over meaningless litigation.

Decision of Allahabad High Court, Reversed”.

The abovesaid view taken by the Hon'ble Supreme Court has been consistently followed. Reference in this regard may be made to the judgments of this Court in **Jiwan Singh Vs. Joginder Singh Sarpanch and others, 1984 (1) RCR (criminal) 83; Manjit Singh and another Vs. State of Punjab and another, 1991 (3) (RCR (criminal) 51; Managing Committee Gurudwara Sahib, Vs. Sub Divisional Magistrate-cum-Executive Magistrate, Hoshiarpur and others, 2011 (1) RCR (criminal) 177** and the judgment of Patna High Court in **Sundari Devi Vs. Dudheshwar Singh, 2011 (7) RCR (criminal) 1497.**

In view of what has been observed hereinabove, it can be safely concluded that since the civil court has already decided the civil suit of the petitioner against him and his appeal has also been dismissed, both these petitions would no more survive. It goes without saying that ultimately the judgment rendered by the learned civil court of competent jurisdiction will be binding between the parties. Further, no incident of any breach of peace has taken place between the parties for the last more than three years. In this view of the matter, continuation of proceedings under Sections 145 and 146 Cr.P.C. would not be justified either on facts or in law.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that neither these petitions survive

any further, nor the same have been found worth acceptance even on merits, as the civil suit has already been decided against the petitioner. Both the petitions are misconceived, bereft of merit and without any substance, thus, these must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, both these petitions stand dismissed, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

12.10.2015
Ak Sharma