

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33149 of 2013.
Decided on:-01.09.2015.

Raj Kumar.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Present:- Mr. Harvinder Pal Singh Ghuman, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

The petitioner has filed the present petition under Section 482 Cr.PC for issuance of a direction to respondent No.2 to protect the life and property of the petitioner at the hands of private respondents as the respondent No.3 i.e. SHO, Police Station, Chhappar has connived with the private respondents for taking forcible possession of the land. Prayer has also been made for issuance of a direction to the respondent No.2 to initiate departmental proceedings and criminal proceedings under Sections 217, 218 and 219 IPC against the respondent No.3 for not conducting himself as per the provisions of law.

Learned counsel for the petitioner has argued that the petitioner has filed a suit for permanent injunction restraining the private respondents and Smt. Santosh Bala @ Santosh Kumari wife of the petitioner from interfering in any manner and to have cultivating possession over the land in dispute. He has submitted that vide order dated 25.10.2012 (Annexure P-2), learned Additional Civil Judge (Senior Division), Jagadhri while disposing of the application for ad-interim injunction had directed the SHO, Police Station, Chhappar to grant necessary police help to the applicant-plaintiff for the implementation of the order dated 5.9.2012 (Annexure P-1). Vide order dated d Additional Civil Judge (Senior Division) while granting injunction to the plaintiff had directed the defendants not to interfere in cultivating possession of the plaintiff over the suit land.

On the other hand, respondents No.1 to 3 have filed a reply through Rajesh Kumar, HPS, DSP, Jagadhri and the preliminary submissions of the reply read as under:

“1. That the present petition is not maintainable as the brief facts are that in connection with the enquiry of application bearing No.31500 dated 02.05.13, moved by the petitioner in the office of Superintendent of Police Yamuna Nagar, ASI Jai Kishan of Police Station Chhapar went to village Kulchandu and met with the petitioner. The statement of the petitioner was also recorded by ASI Jai Kishan on 05.05.2013. The petitioner stated in his statement that he is the sole person in his family having no wife or children. He further stated that the learned Court had issued directions for possession of land with police help and accordingly possession of land was given to him with the help of

police. He also stated that now he wants that in case any person interfere in his doing of agricultural work then he may be provided help and he will inform the police if anyone restrain him from doing so. On the basis of report of ASI Jai Kishan, SHO Police Station Chhappar prepared his enquiry report and forwarded it to the office of Superintendent of Police Yamuna Nagar. True translation of report of ASI Jai Kishan and SHO Police Station Chhappar is enclosed as Annexure R-1. After the receiving of copy of present petition, SI Raghubir Singh of Police Station, Chhappar again approached the petitioner on 15.10.13 and recorded his statement. The petitioner stated that last time his crop was harvested by Shamsher Singh and Jaspal Kaur etc. and now he has sown paddy in his field. He further stated that stay order has been issued in his favour regarding this land and as and when the crop is ready for harvesting then he will inform the police. He also stated that till date no body has said anything to him nor he moved any complaint in this regard. True translation of the statement is enclosed as Annexure R-2. The above facts reveal that the petitioner is only apprehending that his crop would be cut down by the private respondents and as such he moved a complaint. However, he is not apprehending danger to his life and liberty. Police help will be provided to him as and when the petitioner makes demand for the same. It is also submitted that there is no violation of any order issued from the learned Court on the part of local Police Station, Chhappar. Hence, the present petition is liable to be dismissed.”

Learned counsel for the State has also referred to the statement (Annexure R-2) made by the petitioner on 15.10.2013 which reads as under:

“Stated that I am the resident of above address and my father purchased a land about 50 years ago. Girdauri of the land

is in my name since last 35 years and I am cultivating the land. Last crop was harvested by Shamsher Singh and Jaspal Kaur etc. Stari. I have sown paddy in the field which is raw. I have got stay on this land and total land is 36 Kanal. Whenever, this crop would be harvested then I will inform you. No one say any thing to me till now and nor I have moved any complaint.”

I have heard learned counsel for the parties.

Taking into consideration the reply submitted by the respondents coupled with the statement of the petitioner, it is clear that the petitioner is not apprehending danger to his life and liberty. The respondents have assured the police help as and when the petitioner shall make demand for the same.

The plea of the petitioner that the criminal proceedings under Sections 217, 218 and 219 IPC be initiated against the respondent No.3, cannot be acceded to in a petition filed under Section 482 Cr.PC. The petitioner is required to approach the appropriate authority of proper jurisdiction for raising such plea.

In view of the reply submitted by the respondents-State as well as the statement (Annexure R-2) so made by petitioner Raj Kumar, the present petition is without any substance and carries no merit.

The present petition is, accordingly, dismissed.

September 01, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE