

CWP No.10130 of 2008

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

CWP No.10130 of 2008 (O&M)

Date of decision: 04.02.2015

Rajwant Kaur and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers 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: - Mr. M.L. Saggar, Sr. Advocate, with
Mr. Gaurav Grover, Advocate, for the petitioners.
Dr. Deepa Singh, Addl. A.G., Punjab.
Mr. R.S. Ghuman, Advocate, and
Mr. Gurcharan Dass, Advocate, for respondents No.6 and 7.

PARAMJEET SINGH, J. (ORAL)

Learned counsel for the parties are ad idem that instead of deciding CM No.283 of 2013, seeking vacation of stay order, the main case may be heard and decided.

With their consent, the main case is taken up for hearing.

Heard.

Instant writ petition under Articles 226/227 of the Constitution of India has been filed with following prayer: -

“(i) *For quashing the conveyance deed dated 12.05.1999*

CWP No.10130 of 2008

(Annexure P/20) regarding land measuring 7 kanals 7 marlas equal to ½ share of land measuring 15 kanals 5 marlas comprised in khasra No.15//23 (0-12), 24 (7-16), 25 (2-5), 16//3 (1-6), 4 (3-6), 7/1 (0-0) situated at Village Sherpur Khurd, Tehsil and District Ludhiana.

(ii) For quashing FIR No.304 dated 28.09.2007 registered under Sections 420/465/467/468/471 IPC at Police Station Focal Point, Ludhiana (Annexure P/21) against the petitioners and others.”

So far as first prayer is concerned, petitioners along with M/s A.B. Motors Pvt. Ltd. had filed civil suit No.495 of 2001 (Annexure R-1). Controversy in the civil suit and present writ petition is same. Civil suit was filed on 05.12.2001 and present writ petition has been filed seven years thereafter. Thus, learned counsel for the petitioners wants to withdraw this writ petition qua first prayer with liberty to pursue the remedy available in accordance with law. Allowed as prayed for.

It has been stated that in some civil proceedings observations have been made with regard to decision of title by this Court. Be that as it may, it is for the civil court to decide this issue as qua first prayer of the petitioners liberty has been granted to pursue the remedy available in accordance with law.

So far as second prayer is concerned, petitioners will be at liberty to file criminal petition under Section 482 of the Code of Criminal Procedure for quashing of FIR in question. Since in this writ petition filing of challan has been stayed, same shall remain stayed till

CWP No.10130 of 2008

one month from today, which shall be subject to the order that may be passed in criminal proceedings.

Disposed of.

(Paramjeet Singh)
Judge

February 04, 2015
R.S.