

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 111

Criminal Miscellaneous No.M-9646 of 2015 (O & M)

Date of Decision: *March 25, 2015*

Amarjit Kaur

..... PETITIONER

VERSUS

Narain Singh & another

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of 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?

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PRESENT: - Ms. Avin Arora, Advocate, for the petitioner.

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Jaspal Singh, J (Oral)

1. This petition has been preferred under Section 482 Cr.P.C. seeking protection of life and liberty of petitioner and further for granting police protection to petitioner in order to enable her to harvest/cut crop in disputed property, of which, she has been declared legal owner by various courts of law.

2. Contention of learned counsel for petitioner is that originally, Gurcharan Singh and Inder Singh were joint owners of land measuring 45 kanals 13 marlas located in revenue estate of village Kharn Khera, Sub Tehsil Saha, District Ambala. Subsequently, respondent No.1 purchased the share of

Inder Singh vide registered sale deed dated December 28, 1996. After demise of Gurcharan Singh, mutation of inheritance No.189 was sanctioned in favour of Tej Kaur i.e. in respect of suit land as detailed in Para 2 of petition. This ensued a civil litigation which ultimately culminated in favour of petitioner on January 25, 2013. As partition instrument had finality, and petitioner became owner and in possession of property in suit, respondent No.1 is creating hindrance and is not allowing petitioner to harvest/cut the crop. Therefore, petitioner is left with no option but to file instant petition.

3. This Court has given a thoughtful consideration to aforesaid submissions but find the same of no legal force in view of settled principles of law.

4. It is well settled proposition of law that once alternate remedies are available, High Court should not ordinarily interfere while invoking jurisdiction under Article 226 of the Constitution of India or under Section 482 Cr.P.C. High Court should not engage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to alternate remedy.

5. In the case in hand, matter involved is purely of civil nature and Civil Court has got ample powers to deal with the situation. Since remedy to petitioner is available before Civil Court, instant petition has no merit and is accordingly dismissed.

March 25, 2015
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(Jaspal Singh)
Judge