

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 127

Criminal Miscellaneous No.M-35391 of 2016 (O & M)
Date of Decision: *October 03, 2016*

Kuldip Singh

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

. . .

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

. . .

PRESENT: - Mr. B.B.S. Randhawa, Advocate, for the petitioner.

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Jaspal Singh, J

1. By virtue of instant petition preferred under Section 482 Cr.P.C., petitioner has sought direction to official respondents to take action against respondent Nos.4 to 6.

2. The contention of learned counsel for the petitioner is that the petitioner is owner and in possession of land measuring 18 Kanals 17 Marlas situated at village Leel Khurd, Tehsil Batala, District Gurdaspur (fully detailed and described in Para 2 of the petition). The respondents have already been restrained from interfering into his physical and peaceful possession over the aforesaid land illegally and forcefully except in due course of law by the civil court judgment & decree dated August 20, 2015. Still, the respondents are extending threats to interfere in his peaceful possession. Though, petitioner has also moved an application under Order

XXI Rule 32 CPC unfolding the fact that for execution of judgment & decree dated August 20, 2015 passed in his favour by the civil court which has been marked to concerned SHO for necessary action but still respondent Nos.4 to 6 are bent upon to interfere in his peaceful possession and not allowing him to sow the wheat crop.

3. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner but does not find any legal and factual force, in as much as the instant petition under Section 482 Cr.P.C. is not legally maintainable as the matter is purely of civil nature and the civil court has already granted the requisite relief to the petitioner. If at all, respondent Nos.4 to 6 are violating or dis-obeying judgment & decree dated August 20, 2015, the provisions of Order XXI Rule 32 CPC are attracted and the petitioner has already availed the said remedy and the matter has been referred to the SHO concerned for the proper implementation thereof. Since the matter is purely of civil nature and civil court is already seized of the matter, the instant petition is not maintainable and as such, the same is dismissed.

October 03, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No