

CRM-M-40503 of 2016 (O&M)

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

**CRM-M-40503 of 2016 (O&M).
Decided on: November 15, 2016.**

Sukhwinder Pal Singh

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Divjyot S. Sandhu, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner has approach this Court through the instant petition under Section 482 Cr.P.C., for a direction to respondent nos.1 to 5, for taking action against respondent nos.6 to 10, for creating false, fabricated and anti dated documents.

Counsel for the petitioner submits that he had earlier approached this Court with a similar petition. The first petition was disposed of on the statement of counsel for the petitioner to the effect that an inquiry was conducted by Assistant Commissioner of Police, Amritsar but despite the inquiry no action was taken by the police authorities.

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A Coordinate Bench of this court vide order dated 26.4.2013, issued a direction that the Commissioner of Police, Amritsar, will look into the grievances of the petitioner and will take appropriate action in accordance with law. The said order does not suggest a direction for registration of the FIR. The petitioner has again approached this Court aggrieved by inaction on the part of the Commissioner of Police, Amritsar. The second petition was disposed of vide order dated 31.8.2016, observing that the petitioner had approached the Court for the relief which has already been granted to him without approaching Commissioner of Police, Amritsar. On the ignorance shown by the counsel for the petitioner regarding action taken by the Commissioner of Police, Amritsar, the petition was disposed of as premature without prejudice to the right of the petitioner to seek information under the Right to Information Act, for ascertaining the status of inquiry.

The petitioner has now approached this Court again for the same relief claiming that the Additional Deputy Commissioner of Police, Amritsar, has filed the complaint of the petitioner on the ground that the petitioner despite summoning vide summons dated 11.7.2013, had not gone to the office of Additional Commissioner of Police, Amritsar, as such, no action was found to be required.

Counsel for the petitioner has submitted that there are factual errors in the proceedings noted in Annexure P7, wherein it is wrongly mentioned that the petitioner had not appeared pursuant to the

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summons issued to him as complainant.

I have heard the learned counsel for the petitioner and taken up the entire matter for consideration again in order to determine whether this Court can issue a direction in the peculiar facts and circumstances of this case to respondent nos.1 to 4, for registration of a criminal case against the private respondents and for arresting them.

With the assistance of learned counsel for the petitioner, I have gone through the grievances as reflected in Annexure P3. In complaint submitted by the petitioner the following observations have been made on inquiry by the Assistant Commissioner of Police (City) Amritsar: -

“From all the above circumstances, it is made out that Ramesh Puri, Shashi Puri, and Yashpal etc. in connivance with Joginder Singh with mala fide intention got the common passage 15 feet without getting the same registered from Sub Registrar at their own level have merged the land in the land of Joginder Singh. Besides this, Ramesh Puri, Shashi Puri and Yashpal at the time of selling their land to Sukhwinder Singh party have given the possession of 300 sq. ft. additional land whereas there is no other land adjoining to their land with them. From the above, it is made clear that they have given the possession of land adjoining to T.B. Hospital, measuring 300 sq. yards and by way of embezzling 466 sq. yards common passage with mala fide intention and under a conspiracy have committed

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cheating with Sukhwinder Singh party.

From the secret and open investigation conducted till now a case is required to be registered against Ramesh Puri, Shashi Puri wife of Ramesh Puri, Yashpal son of Mohan Lal and Joginder Singh and his wife Mohinder Kaur, under Sections 420, 120-B IPC, at Police Station, Sultanwind and the inquiry is required to be conducted. If approved then the directions be issued to the SHO, Police Station.

The report is submitted.”

I have gone through the representation Annexure P4, which was submitted to the Commissioner of Police, Amritsar, in which the petitioner has referred to certain sale deeds and litigation and claimed that he had been sold 2620 sq. yards of land but possession was given only of 2272 sq. yards of the property. The petitioner had approached the revenue authorities for demarcation of the property. In a writ petition decided on 25.2.2011, a direction was given to the Deputy Commissioner of Police, Amritsar, to look into the matter and pass appropriate orders within a period of one month and that there has been non-compliance of the said order regarding which contempt proceedings was filed.

After going through all the allegations in the complaint of the petitioner, it appears that the petitioner has got a grievance against the private respondents pertaining to a dispute

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regarding common passage in which the said private respondents have misused 466 sq. yards, of common passage which is adjacent to the T.B. Hospital. Prima facie, after going through the complaints and the inquiry, I have not been able to make out any specific cognisable offence which has been committed by the private respondents. No comments are made regarding Annexure P3 which is dated 20.7.2012. This Court is also not aware of any incident after 2012 till 2016.

No ground is made out to issue any direction for registration of the FIR. However, in case the petitioner is aggrieved by the non-compliance of any order passed by the revenue authorities or this Court in writ petition, it is always open to the petitioner to avail the remedy available to him.

Disposed of with above observations without prejudice to the legal rights of the petitioner accrued to him on the basis of the incidents which may have occurred after 2012.

(M.M.S. BEDI)
JUDGE

November 15, 2016.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No