

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 854 of 2014 (O&M)
Date of decision: 01.04.2016

Karamjit Singh

.....Petitioner

versus

State of Punjab and another

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.P.S.Ahluwalia, Advocate for the petitioner
Mr.Navdeep Singh, AAG Punjab
Mr.Mayank Mathur, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

In the present petition, proceedings initiated by the learned Sub Divisional Magistrate, Patiala in Kalandra filed under Section 145 Cr.P.C. have been challenged.

It comes out that the proceedings were initiated when a civil dispute between the parties was pending in appeal. However, now the respondents have produced a copy of the order showing that in the appeal, vide order dated 27.11.2014, passed by the learned Additional District Judge, Patiala, case was remanded to the lower Court for fresh decision and in the lower Court, the plaintiff has withdrawn the civil suit, vide order dated 20.5.2015, passed by the

learned Civil Judge, Junior Division, Patiala. Learned Sub Divisional Magistrate later on adjourned the proceedings sine die till the decision of the civil dispute. Vide impugned order dated 15.3.2013, receiver was appointed with the result that the receiver continued to be in possession.

Keeping in view the fact that the civil suit for permanent injunction has been withdrawn, the proceedings under Section 145 and 146 Cr.P.C. cannot be kept pending for indefinite period. As such, the present petition is disposed of with a direction to the learned Sub Divisional Magistrate, Patiala to revive the proceedings and finally decide the same within three months from the date of receipt of a certified copy of this order.

Both the parties shall be at liberty to raise all the available pleas before the learned Sub Divisional Magistrate, Patiala.

01.04.2016*gk***(Kuldip Singh)
Judge**