

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-30266 of 2017

Date of Decision: 21.08.2017

Gurbans Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.S. Toor, Advocate and
Mr. Satnam Chauhan, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No.1 to 4 to restrain respondents no.5 to 9 from interfering in the peaceful possession of the petitioner over the land which was agreed to be purchased from respondent no.7-Dilbagh Singh.

Learned counsel for the petitioner states that there is already civil litigation pending between the petitioner and respondents no.7 to 9 and vide order dated 17.4.2017, the Civil Court has passed interim order in favour of respondent no.7-Dilbagh Singh, which reads as under:-

“After going through plaint, affidavit filed along with plaint, jamabandi and copy of agreement to sell, at this stage, it appears that plaintiff is in possession of the suit property, hence, in case the plaintiff is dispossessed from the suit

property during the pendency of the present suit, the same will lead to failure of the cause of action of the present suit. Therefore, defendant is hereby restrained from dispossessing the plaintiff from the suit property.

Plaintiff is directed to make compliance of order 39 rule 3 CPC within 24 hours. Let notice of this suit as well as injunction application be given to the defendant RC/AD for 18.05.2017. Ordinary process be also issued.”

Learned counsel for the petitioner states that the petitioner, who is defendant in the suit, has filed written statement in the suit as well as application for vacation of *ex-parte* order dated 17.4.2017, which is pending before Civil Court.

Since the matter is already before the Court, learned counsel for the petitioner has confined his prayer to the extent that let respondent no.5-Mukhtiar Rai, D.S.P. should not interfere in the matter, especially when the same is already pending before Civil Court.

Learned counsel for the petitioner submits that the petitioner has already submitted a representation dated 6.8.2017 (Annexure P-14) to respondent no.4 highlighting the fact that respondent no.5 is interfering into the matter. He submits that petitioner will be satisfied if a direction is issued to respondent no.4 to look into the contents of the representation (Annexure P-14).

Notice of motion for respondent no.1 to 4.

At the asking of the Court, Mr. Bhupender Beniwal, AAG, Punjab accepts notice.

Learned counsel for the petitioner is directed to supply the requisite number of copies of this petition to learned State counsel during the course of the day.

Without expressing any opinion on the merits of the case, present petition is disposed of with a direction to respondent no.4 to look into the contents of the representation (Annexure P-14) as regards interference by the respondent no.5 and to act in accordance with law.

August 21, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No