

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

CRM-M-40249 of 2012

Date of decision: March 21, 2017

Tek Chand Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Petitioner in person.

Ms. Tanisha Peshawaria, DAG Haryana.

Mr. Ashok Kaushik, Advocate and
Ms. Manju Goel, Advocate for the CBI.

A.B. CHAUDHARI, J (Oral)

Petitioner has, in the instant petition prayed for issuance of directions to respondent No.1 to make proper investigation and for removal of encroachment etc. in respect of the property held by him.

I have heard petitioner in person and learned counsel for the respondents, at length. Having gone through the petition and having heard the petitioner in person, I think it is necessary to go through reply dated 07.05.2013, i.e. filed by Virender Singh, HPS, Deputy Superintendent of Police, Hodal and status report dated 01.12.2013 filed by Rajbir Singh, HPS, Deputy Superintendent of Police, Hoda, on behalf of respondents No.1 to 6, that there is a long standing dispute between the petitioner and his brothers in respect of their property of their ancestral.

Petitioner in person argued before me that he is the ex-air

force employee and taking advantage of his absence, because of his duties, his brothers have not been giving share to him nor allowing to cultivate the share over the property. After taking retirement from the Air Force, he has passed his law and now, is an Advocate by profession.

Opposing the submissions made by the petitioner, learned counsel for his brothers argued that the respondents, after having become Advocate, has been utilizing all sorts of tricks to involve his brothers in false criminal cases by making complaints and complaints before the police and by filing cases in this Court. Accordingly, the petitioner has filed number of cases against his brothers in various Courts and he makes false allegations against his brothers more so after he become an Advocate.

It is now in dispute that the petitioner has been granted protection by this Court vide judgment and order dated 28.04.2016 passed in CWP No.20474 of 2014 and the relevant portion of the said judgment and order is quoted below:-

“Be that as it may. Insofar as the present petition is concerned, it is disposed of with a direction to the Director General of Police, Haryana to look into the grievance of the petitioner and provide him adequate police protection as and when he intends to visit his land. It is made clear that since the petitioner is facing the ire of the ladies of the family also, therefore, the authority shall provide lady constable also. The needful shall be done as and when petitioner applies to the Commissioner of Police, Faridabad for the purpose of seeking protection.

With these directions, the present petition, i.e. CWP No.20474 of 2014 is hereby disposed of and the second petition i.e. CWP No.16895 of 2015 is dismissed as not pressed.”

Now in so far as the grievance in the present petition is concerned, both the replies filed on behalf of respondents No.1 to 6, clearly show that investigation was made and action under Sections 107/151 of the Code of Criminal Procedure, 1973 was taken by the police. It will also appropriate to note the conclusion drawn after investigation which is clear from paragraphs 3, 4 and 5 of the status report dated 01.12.2013 filed by Rajbir Singh, HPS, Deputy Superintendent of Police, Hodal. I quote same as under:-

“3. That the matter was investigated thoroughly and during the course of investigation, the statements of Raghunandan, Ram Kumar @ Kallu, Rambabu @ Babu Ram sons of Sh. Net Ram residents of Village Khambi, Tehsil Hodal, District Palwal, brothers of the petitioner were recorded. They all told that there is dispute of land, but there is no such altercation took place among them. The petitioner is falsely alleging as he want to take undue advantage in civil matter. The petitioner is an advocate and he has filed many cases upon them. He wants to make pressure upon them to get compromise the civil disputes on his terms.

4. That during the course of investigation, the statements of after receive the application HC Rashid Khan visited the spot and recorded the statement of labour at Bhatta and Ravinder Bansal son of Raj Pal r/o Palwal (munim at Bhatta). They all told that no such quarrel or occurrence took place at that place.

5. That during the course of investigation the statements of Nandan son of Sh. Khiloni, Vishnu son of Shiv Dutt and some other respectable persons were also recorded that there is dispute of land between the petitioner and his brothers, but no occurrence took place. They also told that the petitioner is an advocate and he has filed many cases against the respondents and by filing these cases, he wants to pressurize the respondents to get compromise the civil cases at his terms. The status report is submitted for the kind perusal of the Hon'ble Court."

Looking to the nature of dispute between the petitioner and his brothers and large number of cases filed by the petitioner against his brothers and also counter cases filed by his brothers against him and particular when the investigation has been completed and action has been taken by the police, I do not think to grant or allow any prayer made in the petition.

In that view of the matter, CRM-M-40249 of 2012 stands dismissed.

(A.B. CHAUDHARI)
JUDGE

March 21, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No