

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

CRM-M No.41792 of 2016

Date of decision: 15th November, 2017

Suraj Mal

... Petitioner

Versus

Jai Kanwar & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajender S. Malik, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Suraj Mal had filed against 15 persons, who are respondents before this Court, a complaint under Sections 379, 447, 448, 148, 149, 506, 34 IPC. The brief allegations in the complaint are that the complainant along with his brothers own agricultural land in village Khewra qua which a civil suit for declaration with permanent injunction was filed against some of the respondents in which an interim order was passed on 25.06.2010. It is alleged that the respondents in spite of the knowledge of interim orders and pendency of the civil suit, on 19.04.2011 in the morning had illegally and forcibly cut the wheat crop sown therein with the help of harvest combine. The Court of learned Judicial Magistrate 1st Class, Sonipat through impugned orders dated 18.09.2015 dismissed the complaint which is under challenge before this Court.

Upon hearing Mr. Rajender Singh Malik, Advocate representing the petitioner and on perusal of the records. The complaint

filed by the complainant, on close scrutiny and perusal, nowhere reflects any direct allegation against any of the respondents and rather is in itself suggestive of a mere apprehension that since civil suit is pending between petitioner and the respondents, they must have been instrumental in cutting of the crops, and has tried to materially improve upon his version as CW1 by levelling imputations against the respondent side, a material improvement over his initial version, and even CW2 and CW3 could not bear out anything material. The trial Court has rightly drawn conclusions that at the most, the testimonies if relied upon, bear out that there has been violation of the orders of the Civil Court and thus, contempt of “Court orders” by the respondent side.

Such vague and ambiguous allegations which are unsubstantiated and are materially improved, have led to passing of the impugned order dismissing the complaint which certainly as per the records is correct appreciation of evidence. Finding no merit in the present petition, the same stands dismissed in limine. Records be sent back forthwith.

(FATEH DEEP SINGH)
JUDGE

November 15, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No