

CRM-M-45525 of 2016

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

CRM-M-45525 of 2016
Date of Decision: 27.07.2017

Smt. Madhu

....Petitioner

Versus

Jaswinder Kaur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. C.S. Sharma, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing the order dated 05.12.2015 (Annexure P-1) passed by learned Additional Sessions Judge, Jalandhar, setting aside the order dated 11.06.2015 (Annexure P-2) passed by learned Sub Divisional Magistrate, Jalandhar, dismissing the petition filed by the petitioner under Section 133 Cr.P.C., while allowing the revision petition of the respondents.

Briefly stated, petitioner, claiming herself to be the exclusive owner of the disputed street, filed an application under Section 133 Cr.P.C. before the Sub Divisional Magistrate, Jalandhar-I that the respondents were creating hurdle in her egress and ingress by placing washing machine, broken bed and other obsolete items in the street. Learned Sub Divisional

CRM-M-45525 of 2016

Magistrate vide order dated 11.06.2015 (Annexure P-2) directed the respondents to clear the street so that the petitioner may not face any problem in her egress and ingress to her house, while passing through the disputed street. Being aggrieved, respondents preferred a revision petition before learned Additional Sessions Judge, Jalandhar, who, while accepting the same vide order dated 05.12.2015 (Annexure P-1), set aside the order dated 11.06.2015 (Annexure P-2) passed by learned Sub Divisional Magistrate holding that the petitioner could not prove that the street in question was a public place and according to the compromise effected between the parties at an earlier point of time, a wooden gate was installed by the respondents at the start of the street and, thus, the proceedings under Section 133 Cr.P.C. could not have been conducted by the Sub Divisional Magistrate, Jalandhar-I.

Learned counsel for the petitioner contends that the impugned order dated 05.12.2015 (Annexure P-1) passed by learned Additional Sessions Judge, Jalandhar is illegal and perverse. Learned Revisional Court did not appreciate the fact that SHO Adampur, after spot inspection, had presented calandra before the learned Sub Divisional Magistrate, Jalandhar on 30.03.2015 against the respondents to the effect that they were creating nuisance in the street of the petitioner.

After giving my thoughtful consideration to the submissions made by learned counsel for the petitioner, I find the instant petition to be completely devoid of any merit, because, admittedly, the petitioner has already filed a civil suit against the respondents raising the similar dispute and, thus, the petitioner well within her right could move an application for

injunction against the respondent to restrain them from creating any

CRM-M-45525 of 2016

hindrance in her alleged egress and ingress to her house while passing through the disputed street.

In view of the above discussion, the present petition is dismissed.

July 27, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No