

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

CRM-M-6635-2017

Date of decision: 01.03.2017

Baldev Singh

.....Petitioner

Versus

Avtar Singh Makkar and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Saini, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. has been filed for quashing of the order dated 11.07.2014 (Annexure P-6) passed by the Chief Judicial Magistrate, Bathinda, dismissing a complaint (Annexure P-4) filed by the petitioner and the order dated 20.10.2016 (Annexure P-7) passed by the Additional Sessions Judge, Bathinda, whereby revision against the said order has been dismissed.

As per allegations in the complaint (Annexure P-4), land of complainant-petitioner had been acquired pursuant to the land acquisition proceedings. Thereafter, he approached this Court by filing CWP No.11777 of 2008, which was allowed vide order dated 09.03.2009 and notifications issued under Sections 4 and 6 of the Land Acquisition Act were quashed. However, on a review application filed by the State of Punjab, notifications dated 22.05.2008 was resumed. Complainant, thereafter, filed another CWP No.3607 of 2010 challenging the notifications dated 22.05.2008 & 11.01.2010 (under Sections 4 & 6 of the Act respectively), which was

dismissed vide order dated 02.03.2010. After dismissal of the writ petition challenging the acquisition, the officials of the department came with the demolition squad and police force and took possession of the land when wife and nephew of the complainant were alone at home. As per allegations in the complainant, they dragged the wife of the complainant and pushed her outside the house. Thereafter, they demolished the building with the help of JCB. In this background, complaint (Annexure P-4) was filed by complainant-petitioner against accused-respondents.

Trial, Court after going through the complaint and the preliminary evidence led by the complainant, dismissed the same vide impugned order (Annexure P-6). Feeling aggrieved by this order, complainant-petitioner preferred a revision, which has been dismissed by the Additional Sessions Judge, Bathinda vide order dated 20.10.2016 (Annexure P-7). Hence, this petition.

Heard.

While dismissing the complaint, it has been observed by the Courts below that CWP Nos 11777 of 2008 and 3607 of 2010 challenging the notifications under Sections 4 and 6 of the Act had been dismissed by this Court and the Land Acquisition Collector had passed Award No.18 dated 28.02.2010 in respect of the land of complainant (petitioner). Thereafter, the accused-respondents have took possession of the acquired land with the help of demolition squad. Reference was made to the judgment passed by this Court in **Rajbir Dhiman Vs. State of Haryana**, 2011 (4) RCR (Criminal) 756, whereby it has been held that if, public servants have to face criminal prosecution, it would be very difficult for them to discharge their official duties.

Once, an Award had already been passed, the demolition was rightly carried out by the officials while performing their official duties, as the land was acquired for the benefit of general public. Moreover, the complaint (Annexure P-4) had been filed without taking sanction under Section 197 Cr.P.C. by the complainant. On both the grounds, the complaint had been rightly dismissed by the Courts below.

Resultantly, no ground is made out to interfere in the impugned orders.

Dismissed.

01.03.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No