

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

**CWP-6841-2017 (O & M)  
Date of decision: 25.09.2017**

Raj Kumar Luthra

....Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Ms. Isha Goyal, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

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**Rajan Gupta, J. (Oral)**

Petitioner has filed this writ petition praying for a direction to ensure that his ancestral residential house situated at New Dharampura Colony, Batala, District Gurdaspur, be vacated with a further prayer that a case be registered against Gurmeet Singh and his relatives, who are stated to be in-laws of the son of the petitioner.

At the outset, learned State counsel has raised the objection that present petition is not maintainable as affidavit accompanying the same does not have proper attestation as required by law. Besides, FIR was registered against the petitioner way-back in the year 2008 and he never associated himself with the investigation.

It is clear that this court cannot entertain a petition for vacating the residential premises as number of disputed questions of fact are likely to arise. The prayer is, thus, misconceived. It appears that similar prayer has already been declined by this court in CRM-M-16153-2012 on 15.05.2015. Besides, it is not clear how a person, who himself is a proclaimed offender, has sought registration of case against certain individuals.

At this stage, learned counsel for the petitioner submits that she may be allowed to withdraw this petition.

Purely, in the interest of justice, this prayer is accepted as she undertakes that no such frivolous petition shall be filed in future.

Dismissed as withdrawn.

**September 25, 2017**  
sukhpreet

**(RAJAN GUPTA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No