

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-139-MA of 2015

Date of Decision: 15.05.2018

Paramjit Kaur

...Applicant-appellant

VERSUS

Ram Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarbjit Singh, Advocate
for the applicant-appellant.

SURINDER GUPTA, J.(Oral)

Respondents faced trial for offence punishable under Section 427 read with Section 149 of Indian Penal Code and were acquitted with observations in para 11 of the judgment passed by trial Court, which reads as follows:-

“11. Now, the major point for determination is whether the accused caused mischief by damaging the walls of the plot under the possession of the complainant. As per version of the complainant, the property in dispute measuring 3.5 marlas had been purchased by her husband from one Harpreet Singh vide an agreement dated 02.06.2010. The accused has placed on record the judgment dated 6.3.2014 Ex. D4 of Ld. Court of Sh. A.K. Chohan, ACJSD, Baba Bakala Sahib, arising out of the suit filed by the husband of the complainant for possession of the above said plot in dispute, which was dismissed on merit and the relief claimed by the complainant was declined. Perusal of the judgment Ex. D3 shows that in its finding on issue no. 1 and 2, it has been held by the Ld. Court of ACJSD, “further there is no cogent and convincing evidence on judicial file from

which an inference can be drawn that earlier, the plaintiff was in possession of the suit property and he was dispossessed illegally and forcibly as alleged, while drawing undue advantage of his absence.” Hence, as held above, the complainant or her husband were not found in exclusive possession of the plot in dispute. Even otherwise the complainant has failed to prove that the alleged walls on the plot or the iron gate were constructed by her.”

The dispute was regarding possession of the plot measuring 3.5 marlas. As per complainant, this plot had been purchased by her husband from Harpreet Singh vide agreement dated 02.06.2010. It is apparent from the observations of trial Court that civil suit filed by husband of complainant, claiming possession over the disputed plot, and the appeal filed by him have been dismissed.

In view of above facts and circumstances, trial Court has committed no error of law and fact while dismissing the complaint filed by applicant-appellant.

No reason is made out to allow the application under Section 378 (4) Cr.P.C. and to grant leave to appeal, which has no merit and the same is dismissed.

May 15, 2018

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No