

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-20563-2018

Date of decision: August 6, 2018

Hardeep Singh

... Petitioner

versus

Daljit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the impugned order dated 13.3.2018 (Annexure P-3) passed by the learned Addl. Sessions Judge, Gurdaspur in Criminal Revision No. 14 of 22.7.2016 vide which the lower Court has dismissed the revision petition preferred by the petitioner under Section 145 Cr.P.C thereby affirming the order dated 2.6.2016 passed by SDM, Gurdaspur.

Admittedly, parties to the dispute are real brothers and they have joint khata and they are already agitating their claims before the Civil Court. Therefore, once the matter is pending before the Civil Court, proceedings under Section 145 Cr.P.C are nothing but an abuse of the process of law and the same are not maintainable. Moreover, counsel for the petitioner has not been able to satisfy the Court that when there is joint khata between the parties and the matter is pending before the Civil Court, the proceedings under Section 145 Cr.P.C are amenable.

Accordingly, this Court does not find any merit in this petition and the same is dismissed.

However, the parties are at liberty to pursue their remedy as available under law.

(HARI PAL VERMA)
JUDGE

August 6, 2018
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No