

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-32663 of 2018

Date of Decision: August 02, 2018

Satnam Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Goel, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner seeks issuance of directions to respondents No. 2 and 3 not to enquire into complaint dated 29.05.2018 (Annexure P-5) and to register a criminal case against respondents No. 4 to 7, who are illegally trying to dispossess the petitioner from the first floor of the house in dispute.

The allegations are that the petitioner is a tenant on the first floor of the house in dispute. The predecessor-in-interest of respondents No. 4 and 5 agreed to sell the same to him but unfortunately they died and their LRs i.e. respondents No. 4 and 5 are not honouring agreement to sell. Thus, a suit for specific performance has been filed, in which an order of status quo regarding possession has been passed. Despite the said order, respondents No. 6 and 7 have been roped in by respondents No. 4 and 5 to forcibly dispossess the petitioner and his family and an attempt was made on the night intervening 3/4-5-2018 but despite information to the police, no case has been registered against them. On the contrary, a complaint dated 29.05.2018 has been filed against the petitioner for having forged agreement to sell. A detailed representation dated 01.07.2018 (Annexure P-6) has been submitted in this regard but no action has been taken thereupon till date.

Notice of motion to respondents No. 1 to 3 only.

Mr. Kirat Singh Sidhu, DAG Punjab accepts notice on behalf of respondents No. 1 to 3. Let four copies of the petition be supplied to him during the course of the day.

Considering the nature of the order being passed, there is no necessity to issue notices to the private respondents.

When the validity of a document is under examination by the Civil Court, filing of a criminal complaint on the allegations of forgery amounts to abuse of process of criminal law and can not be permitted.

The petition is disposed of with direction to respondent No. 2 to objectively consider the representation dated 01.07.2018 (Annexure P-6) in the light of the existing law and to take appropriate action thereupon within a period of six weeks from the date of receipt of a certified copy of this order. A final decision be taken after associating the petitioner with the enquiry.

August 02, 2018
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[SUDHIR MITTAL]
JUDGE

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