

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

Sr.No.242

CRM-M-38844-2017

Date of Decision:05.12.2018

Jaswinder Kaur and others

....petitioners

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners

Mr.J.P.Ratra, DAG Punjab

ARVIND SINGH SANGWAN, J.(ORAL):

Prayer in this petition is for issuance of directions to respondent No.2 to protect the life, liberty and property of the petitioners at the hands of respondents No.3 to 7.

As per the allegations in the petition, petitioner No.1 purchased 14 kanals of land from respondent No.6, vide sale deed dated 25.05.2016 and on an application given by respondent No.7, FIR No.95 dated 20.07.2016 under Section 420 IPC, was registered at Police Station Talwandi Sabo, District Bathinda. Later on, another FIR No.203 dated 01.09.2017, under Sections 435/427/34 IPC, was registered at Police Station Raman, District Bathinda, against the petitioners. It is further stated that respondent No.6 has also filed a civil suit against petitioner No.1, titled as “Kaka Singh vs. Jaswinder Kaur and others”, challenging the aforesaid sale deed dated 25.05.2016, in which interim stay regarding the alienation of the

property has been granted against the petitioners. It is further stated that the possession of the land in dispute was handed over to the petitioners in pursuance to the aforesaid sale deed and the respondents No.6 and 7 have harvested and damaged the crop. Respondents No.3 to 5 being police officials are misusing their powers and helping respondents No.6 and 7 in a manner, which is against the interest of the petitioners.

Separate replies by way of affidavits of Deputy Superintendent of Police, Sub Division, Talwandi Sabo, District Bathinda, Inspector/SHO, Police Station Raman, District Bathinda-respondent No.4 and HC Gyan Chand-respondent No.5, are on record.

As per the affidavit filed by the Deputy Superintendent of Police, Sub Division, Talwandi Sabo, District Bathinda, there is a dispute regarding the sale deed and on account of that FIR No.95 dated 20.07.2016 under Section 420 IPC, at Police Station Talwandi Sabo, District Bathinda was registered and after completion of the investigation, report under Section 173 Cr.P.C will be submitted in the Court, in due course. It is further stated that on receiving the complaints by both the parties, the inquiry was conducted in which respondent No.7 has stated that the possession of the disputed land was with her and a hut and articles lying thereon were burnt by the petitioners and on that account subsequent FIR No.203 dated 01.09.2017, under Sections 435/427/34 IPC, was registered at Police Station Raman, District Bathinda.

Similar affidavit has been filed by respondent No.4 and 5 and they have denied that they are using any undue influence and are acting in accordance with law in performance of their official duties.

A perusal of the replies filed by the respondents shows that

there is a primary dispute with regard to 14 kanals of land between the petitioners and respondent No.7 and the civil Court is already seized of the matter. Therefore, no further action is called for in this petition.

The petition stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

05.12.2018

neenu

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No