

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

Criminal Misc.No.M-48733 of 2018 (O&M)

Date of Decision : 01.11.2018

Rukma and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Naresh Kumar, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C., against the order dated 17.10.2018, passed by the learned Addl. Sessions Judge, Panipat, dismissing the revision petition preferred by the petitioners against the order dated 30.05.2017, passed by the learned Sub Divisional Magistrate, Smalkha, vide which the possession of respondent No.2 Khursheed was affirmed and it was ordered to be delivered to him.

Briefly stated, there was a dispute with regard to the possession of land measuring 13 kanal 17 marlas. An application was moved by respondent No.2 Khursheed asserting therein that said land was in his possession and prior to him his ancestors were in possession. But on 21.09.2016 when he had gone to Uttar Pradesh in connection with the duty, the petitioners entered into his land and destroyed his crop. On this information, Station House Officer, Police Station Sanauli conducted an inquiry and submitted kalandra (in common parlance kalandra) under Section 145 Cr.P.C. before Sub Divisional Magistrate, Smalkha, who after

conducting an inquiry observed that respondent No.2 Khursheed was in possession. The said order was also challenged by the petitioners in revision petition before the learned Addl. Sessions Judge, Panipat, which was also dismissed.

Learned counsel for the petitioner has submitted that learned Magistrate failed to comply with the provisions of Section 145 (4) Cr.P.C. but on bare perusal of the impugned orders, it transpires that learned Magistrate has afforded adequate opportunities to the parties to lead evidence and on appreciation of evidence, the impugned orders were passed.

This court is of the view that both the impugned orders do not suffer from any illegality, irregularity and infirmity and the same do not call for any interference and are hereby confirmed.

In view of aforesaid discussion, finding no merit in the instant petition, the same is dismissed.

01.11.2018

mamta

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No