

CRM-M-49518-2017

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

CRM-M-49518-2017

Date of Decision: 17.04.2018

Manpreet Singh and another

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gursimran Singh Madaan, Advocate,
for the petitioners.

Ms. Monika Jalota, D.A.G., Punjab.

Mr. Amandeep Singh Nirmaan, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

Mr. Amandeep Singh Nirmaan, Advocate, has appeared on behalf of respondent no. 2 and has filed his power of attorney, which is taken on record.

As recorded in the order dated 15.03.2018, learned counsel for the petitioners had submitted that one Gurnam Singh had filed an eviction petition under the provisions of the East Punjab Urban Rent Restriction Act, 1949, against petitioner no. 1 on 18.05.2016, with the FIR in question registered by respondent no. 2, i.e. Manjeet Kaur Rai, on 22.01.2017, that Gurnam Singhs' son, i.e. her nephew, had informed her that the house had been handed over to the petitioners by one Yugta Bhalla who was earlier living in the house as a paying guest.

Learned counsel for the State as well as counsel for the complainant submits that there is no genuine power of attorney issued by respondent no. 2 in

favour of Gurnam Singh and as such Gurnam Singh has no *locus* to file any eviction petition.

The eviction petition, a copy of which is stated to be Annexure P-4, is seen to be filed by Gurnam Singh without stating that he is filing it in the capacity of the attorney of the original owner.

Further, learned counsel for the State has produced in Court today a photocopy of a sale deed, stated to be the one by which the premises in question were transferred by one Jaswant Kaur to Manjeet Kaur Rai (though in the photocopy the signature is not of Manjeet Kaur Rai but of Paramjeet Singh, who as per learned State counsel, on instructions, was her attorney, holding a special power of attorney from Manjeet Kaur Rai), to whom the premises in question were transferred.

That being so, whether Gurnam Singh has any locus at all qua the premises in question, would be a matter to be investigated thoroughly and as such, this petition, seeking quashing of the FIR, cannot be entertained.

Consequently, without making any comment on the actually merits of the case, for or against the petitioners or the complainant, this petition is dismissed.

April 17, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.