

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

251

CRM-M-13596 of 2017

Date of decision: 20.08.2019

Harpreet Singh

..Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arjunveer Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner/Harpreet Singh has filed this petition under Section 482 of Cr.P.C., for quashing of FIR No.76, dated 28.03.2017, under Sections 447/448/323/506/148/149/511 IPC, registered at Police Station Division No.6, Industrial Area, Ludhiana (Annexure P-1) and all other consequential proceedings arising therefrom. FIR has been recorded at the instance of Suraj Bhan.

Learned counsel for the petitioner contends that a suit for specific performance brought by the petitioner against the complainant was decreed on 25.02.2016 and pursuant to the execution proceedings, the warrants of the possession were issued against the judgment debtor. According to him, the said act of taking possession was resisted by the judgment debtor with the help of the neighbours. He has invited attention of the Court on the report dated 28.03.2017 (Annexure P-4) submitted by the

Baliff before the Executing Court, wherein it is specifically

mentioned that due to use of illegal force by Councillor and interruption by police the warrants of possession could not be executed and a request was made for seeking police help.

At the time of issuing the notice of motion further proceedings in the FIR were stayed, however, the interim order was vacated on 11.09.2018.

Though, in the reply filed by State, it has described the said occurrence as an attempt to take possession by use of force by the petitioner, however, the averments regarding report dated 28.03.2017(Annexure P-4) submitted by Ballif have not been answered in the reply. It is further pointed out by the State that the investigation is still pending.

Considering the above, the petition is disposed off with a direction to investigating officer to conclude the investigation expeditiously, who shall also take into account the averments made in the petition and the documents relied upon by the petitioner before finalising the same. Let the needful be done within eight weeks from today.

August 20, 2019
Poonam Sharma

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No