

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

CRM-M No.62318 of 2018 (O&M)
Date of decision: 18.07.2019

Simmi Mahant

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ishan Thakur, Advocate
for Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. H.S. Randhawa, Advocate
for respondents No.6 to 8.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of directions to official respondents to protect the life and liberty of the petitioner at the hands of respondents No.6 to 8 and in spite of the civil suit filed by the petitioner against the private respondents/accused for causing injuries to the petitioner an FIR No.115 dated 05.12.2017 under Sections 341, 323, 342, 506, 148, 149 IPC at Police Station Kotwali Nabha, District Patiala, was registered.

As per the allegations in the petition, the petitioner is a Mahant and Chela of Guddi Mahant and Soma Mahant, having jurisdiction of the dispute area regarding the Khairaat/Wadhaiyan in the area of Nabha city and the adjoining village. It is further stated that respondent No.6 has started harassing the Guru of petitioner Guddi

Mahant and on that account, there was a dispute between the parties. It is further stated in the petition that the petitioner has filed a civil suit for permanent injunction and when a dispute arose, an FIR No.115 dated 05.12.2017 under Sections 341, 323, 342, 506, 148, 149 IPC at Police Station Kotwali Nabha, District Patiala, was also registered.

Reply by way of affidavit of the Deputy Superintendent of Police, Nabha, District Patiala on behalf of respondents No.1 to 5 is already on record and as per the reply, challan in FIR No.115 dated 05.12.2017 has already been presented on 13.06.2019 and on another occasion, proceedings under Sections 107/151 Cr.P.C. were initiated.

Counsel for respondents No.6 to 8 has placed on record the photocopy of the order dated 04.12.2018 passed by this Court in CRM-M No.47146 of 2018, wherein the petitioner has filed a similar petition and the following order was passed on 04.12.2018:-

“Service complete.

Vakalatnama filed on behalf of respondents No. 6 to 8 is taken on record. Be tagged at the appropriate place.

Learned counsel for respondents No. 6 to 8 submits that under the garb of instant petition, the petitioner wants to violate the order of the Civil Court dated 29.10.2018, whereby she has been restrained from entering into the area of respondents No. 6 to 8.

Despite the case having been called twice, none has put in appearance on behalf of the petitioner.

Dismissed for want of prosecution.”

Counsel for respondents No.6 to 8 has further argued that the said petition was dismissed for non-prosecution and, therefore, the second petition would not be maintainable for the same relief especially in view of the fact that it was noticed that the Civil Court has restrained the petitioner from entering the area of respondents No.6 to 8.

Counsel for respondents No.6 to 8 has stated at the bar that the said order of the Civil Court is still operative.

In view of the above, no further action is called for.

Accordingly, the petition is disposed of having been rendered infructuous.

(ARVIND SINGH SANGWAN)
JUDGE

18.07.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No