

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3088-2019

Date of decision: 19.03.2019

Daljit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ranjan Lakhanpal, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., the petitioner has prayed for issuance of a direction to respondent-State to register a criminal case against Purshotam Lal and others.

Learned counsel for the petitioner referring to judgment of Apex Court in Writ Petition (Criminal) No. 68 of 2008 **Lalita Kumari Vs. Government of UP and others**, decided on 12.11.2013, urged that it was mandatory for the respondents to lodge FIR under Section 154 Cr.P.C., against Purshotam Lal and others, who forcibly snatched the account books, keys of Gurudwara and Gullak etc. from the petitioner, inasmuch as, the assailants had also threatened the petitioner with dire consequences.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner and going through the contents of petition, this Court is of the view that the matter in dispute is between the petitioner and Purshotam Lal and others, is about the management of aforesaid Gurudwara and thus, is of civil nature. According to the petitioner, he was

chairman of said Gurudwara. On 12.12.2017, in the day time, one Purshotam Lal and others, forcibly trespassed the Gurudwara and snatched register of Shri Guru Ravidass Charitable Trust (for short-'the Trust') from the office bearers by giving beatings to the members of Trust. Said Purshotam Lal and others also forcibly took away the keys of Gullak and Gurudwara. Consequently, the petitioner reported the matter to the police, vide his complaint dated 12.12.2017 (Annexure P-3), but the police did not take any action. Even the bank officials also did not allow the petitioner to operate the bank account of Gurudwara/Trust, pursuant to the order passed by Civil Court in a suit filed by said Purshotam Lal. Being aggrieved, the petitioner preferred appeal (Annexure P-4) against the order of Civil Court, restraining him from operating bank account of Gurudwara, in which after hearing the Ist Appellate Court, remanded the case to the trial Court to decide the petitioner's application for vacation of stay within two weeks. Thereafter, the trial Court vacated the status quo order accepting the application of the petitioner.

The Civil Court has already seized of the matter qua management of aforesaid Gurudwara. Therefore, respondent-State cannot be directed to lodge any FIR against Purshotam Lal and others, in view of judgment of Apex Court in **Lalita Kumari's case (supra)**, facts of which, are completely distinguishable from the facts of present case.

Dismissed.

March 19, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No