In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 50587 of 2019
Date of Decision: 29.11.2019

Paramjit Kaur .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.S.Brar, Advocate
for the petitioner.

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HARNARESH SINGH GILL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for issuance of directions to respondents No. 2 and 3 not to harass the petitioner at the instance of respondents No. 4 to 9 as they have been threatening the petitioner to implicate her in a false case.

As per learned counsel for the petitioner, the petitioner had purchased a plot vide registered sale deed dated 13.6.018 and started construction over the same but the private respondents dismantled the boundary walls and also given beatings to the husband of the petitioner and the MLR is on record as Annexure P-4.

I have gone through the sale deed dated 13.6.2018 (Annexure P-1) which indicates that the petitioner has purchased the plot from co-sharer. No partition order is on record and, thus, without partition all the co-sharers are equally situated regarding possession. As far as MLR (Annexure -4) is concerned, the same is dated 7.8.2019. Moreover, prayer is to ensure the life and liberty of petitioner Paramjit Kaur.

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If the property is not partitioned, every co-sharer has equal right on the entire area. Moreso, the representation dated 17.9.2019 (Annexure P-5) was made by husband of the petitioner to Member of Punjab State Scheduled Caste Commission wherein he has referred regarding demolition of the wall on the plot owned by them but instead, he was confined in jail in FIR under Sections 323, 324 IPC in which Section 326 IPC was added later on .

I am not inclined to interfere in this case because of disputed facts.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

November 29, 2019
Gurpreet

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

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