

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

CRM-M-16157-2020 (O&M)

Date of decision : 27.08.2020

Raj Kala and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. G.S. Sullar, Advocate for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

Rejoinder filed by learned counsel for the petitioners via email
is taken on record after taking print-out thereof.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 read with Article 227 of the Constitution of India praying for protection of life and liberty of the petitioners on the allegation that the petitioners are being harassed by respondent Nos.4 to 13 at the behest of private respondent Nos.7 to 13 who wanted to grab the land in dispute. It has further been prayed in the petition that respondent Nos.1 to 3 may be directed to form an SIT for impartial investigation in FIR No.0027 dated 06.02.2020 (Annexure P-5) under Sections 447 and 511 of the Indian Penal Code, 1860 filed at Police Station Radaur, District Yamunanagar, FIR No.0038 dated 26.02.2020 (Annexure P-7) registered under Sections 323, 34, 354, 379, 447, 506 IPC filed at Police Station Radaur, District Yamunanagar, FIR No.40 dated 05.03.2020 (Annexure P-8) registered

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under Section 379 IPC at Police Station Radaur, District Yamunanagar, so as to bring out the truth of the incidents dated 04.02.2020 and 26.02.2020 and FIR Nos.44 (Annexure P-9) and 45 (Annexure P-10) both dated 18.03.2020 registered under Sections 323, 354, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 34, 447 and 511 IPC registered with Police Station Radaur, District Yamunanagar (Haryana).

Vide order dated 22.06.2020, notice of motion was issued only to a limited extent so as to verify whether the allegation made by the petitioners regarding harassment at the hands of the respondents was correct or not.

Learned counsel for the State has filed the reply in which it has been stated that the present dispute is primarily a civil dispute between the parties and that 3 FIRs which had been lodged by the petitioners now stand cancelled after investigation and that the 2 FIRs which have been lodged by respondent No.11 are being investigated and are pending since the petitioners herein are not cooperating with the Investigating Officer. It has further been stated in para 10 of the reply that to maintain peace and tranquility, a *Kalandra* under Sections 107/150/151 of the Code of Criminal Procedure, 1973 has been recorded against Sumit, Amit, Rao Virender, Jaswinder, Jarnail and against Raj Kala, Pushpa, Abhishek and Baljeet, vide DDR No.15 dated 11.02.2020 and the said *Kalandra* is pending.

I have heard learned counsel for the parties.

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The present dispute is primarily a civil dispute and the allegation made by the petitioners that the petitioners were being harassed at the hands of respondent Nos.4 to 13 at the behest of respondent Nos.7 to 13 is seemingly, *prima facie*, incorrect in view of the reply filed on behalf of respondent Nos.1 to 3/State. The petitioner and private respondents have been embroiled in civil litigation which has gone upto the Apex Court. There are cross-versions which have been put forth by the parties concerned and after investigation, cancellation reports have been submitted qua some of the FIRs lodged by the parties. The said FIRs are the same qua which the formation of a SIT has been prayed for by the petitioners in the present petition. The petitioners have their remedy in law in case they are aggrieved by the cancellation reports. As per the reply of the State, in para 10 it has been stated that in order to maintain peace and tranquility a *Kalandra* under Sections 107/150/151 of the Code of Criminal Procedure, 1973 has been recorded against Sumit, Amit, Rao Virender, Jaswinder, Jarnail and against Raj Kala, Pushpa, Abhishek and Baljeet vide DDR No.15 dated 11.02.2020 and the said *Kalandra* is pending.

In view of the above the present petition, which is devoid of any merit, is dismissed. It is made clear that nothing observed herein above would be treated as an expression of opinion on the validity of the cancellation orders qua FIR Nos.27, 40 and 44 or the on-going investigation in the other FIRs.

27.08.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO