

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-19298 of 2020

Date of decision:1.12.2020

Rati Ram and others

... Petitioners

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Sarju Puri, Advocate,
for the petitioners
Mr.Ramdeep Partap, DAG, Punjab
Mr.Bhupinder Banga, Advocate,
for respondent no.4.
...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek issuance of appropriate directions to respondent no.2, i.e. the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, to ensure that they are not unnecessarily harassed, humiliated and threatened by respondent no.4, a Sub Inspector, by repeatedly calling them to the police station in connection with the pending civil suit instituted by him against them, wherein both the parties have been directed to maintain status quo with regard to the existence of the passage in dispute, vide an order dated 7.12.2018.

They further seek a direction to respondent no.2 to protect their life and liberty at the hands of respondent no.4.

A reply having been filed by the respondent-State, Mr.Banga,

appearing for respondent no.4, submits that he does not wish to file a separate reply and would be relying upon the reply of the State itself.

Mr.Puri, learned counsel for the petitioners, submits that petitioner no.1 is 84 years' old, with the petitioners being continually summoned to the police station again and again simply because respondent no.4 is a Sub Inspector, with him already having instituted a civil suit, in which status quo has been ordered, and consequently, if as per the said respondent there is any violation of that order, obviously his remedy is before the civil court.

Learned State counsel draws attention to the reply filed by the State and submits that though a compromise had been effected between the parties (copy Annexure R-1 with the reply), both sides have moved applications complaining against each other and further, that there has been no harassment of the petitioners.

Mr.Puri counters to point out that the said compromise deed is very obviously signed in the police station and a perusal of the vernacular thereof would show that in fact the signatures at the bottom of the page were obtained on a blank paper after which the entire compromise, though shown to have been made in the presence of the Panchayat members, the entire writing of the compromise has been 'squeezed in' to make it fit on the written paper.

Learned counsel for respondent no.4 however submits that the petitioners having violated even the order of status quo by shutting off an area belonging to the said respondent, the complaints have been correctly instituted and that in fact a compromise was arrived at voluntarily between

all parties.

Having considered the matter, looking at the fact that the civil court is already seized of the issue on whether there is any transgression of property between the two neighbours (by one or the other side), I would see no reason as to why the petitioners should be summoned time and again to the police station (though learned counsel for respondent no.4 denies the same). Consequently a direction is issued to the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, to ensure that the petitioners are not summoned to the police station unless of course there is any cognizable offence made out at any stage, (other than alleged transgression of the property that is subject matter of the civil suit), with obviously respondent no.4 and the petitioners, always at liberty to avail of their remedy in the civil suit ongoing.

Naturally, as regards any allegation of transgression of the 'suit property', whether one side is the owner thereof or the other, is a matter that the civil court would consider.

Disposed of as above.

1.12.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No