

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

CRM-4191-2020 in/and
CRR-1357-2014 (O&M)
Date of decision : 06.02.2020

Ajay Pal and others

...Applicants/Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Darshan Yadav, Advocate
for the applicants/petitioners.

ANIL KSHETARPAL, J. (ORAL)

CRM-4191-2020

For the reasons stated in the application, main criminal revision
petition is restored to its original number.

Application is allowed.

With the consent of learned counsel for the
applicants/petitioners, main criminal revision petition is taken on Board for
final disposal today itself.

Main case

The petitioners were convicted by the learned Judicial
Magistrate, Ist Class, Rewari under Section 447 of the Indian Penal Code
for a term which may extend to three months, but released on probation for

six months on furnishing probation bonds for ₹30,000/- each with one surety in the like amount. Appeal filed by them was also dismissed.

Learned counsel for the petitioners contends that no doubt, first informant-victim was delivered possession of the property in partition proceedings, however, on setting aside thereof, the petitioners acquired the status of co-sharers. Hence, he submitted that no offence under Section 447 of the Indian Penal Code is made out.

This Court has considered the submissions. Once, the victim had been delivered actual physical possession of the disputed property, without restitution of possession, the petitioners were not entitled to enter possession. Hence, there is no ground to interfere.

Accordingly, the present criminal revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

06.02.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**