

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

CRM-M-28990 of 2020(O&M)

Date of Decision: 26.10.2020

Lakhbir Singh and another
Versus

Petitioners.

State of Punjab and others

Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG., Punjab

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner is aggrieved of order dated 07.08.2020, passed by the learned Judicial Magistrate Ist Class, Amritsar, attached as Annexure P-8, with this petition.

Learned counsel for the petitioner submits that the petitioner filed an application under Section 156 (3) Cr.P.C., (Annexure P-7), claiming that the proposed accused, on 07.02.2020, took forcible possession of the premises i.e., a Dhaba, wherein the petitioner claims to be a tenant despite order dated 17.01.2020 (Annexure P-2) passed by the learned Civil Judge (Jr. Division), Amritsar, directing *status quo*, to be maintained by the parties. Petitioners had filed a civil suit (Annexure P-1), in January 2020, seeking permanent injunction for restraining the proposed accused from interfering in their peaceful possession over the Dhaba in question, in which order dated 17.01.2020 was passed. Learned Judicial Magistrate Ist Class, Amritsar, vide the impugned order dated 07.08.2020, while not finding any ground to direct registration of FIR, directed

the application to be treated as a complaint and fixed the matter for the complainant's evidence. Aggrieved therefrom this petition has been filed.

Learned counsel for the petitioner argues that the learned Judicial Magistrate Ist Class, Amritsar, has erred in law and on facts in not directing the police authorities to register an FIR. It is submitted that all the documents including order dated 17.01.2020 directing *status quo*, had been attached with the complaint itself. The present, it is submitted is a case, which requires proper investigation by the police authorities, thus registration of FIR should have been directed. It is thus prayed that this petition be allowed.

I have heard learned counsel for the petitioner, at length and have gone through the file with his assistance.

As per the case of the petitioners themselves, as is reflected in para no.9 of the civil suit as well as para no.4 of the application under Section 156 (3) Cr.P.C., possession of part of the tenanted premises, had been taken before the filing of the civil suit. Learned Judicial Magistrate Ist Class, Amritsar, in the given facts has rightly observed that there is no requirement of collection of evidence by the police in the present case and no ground is made out for a direction for registration of FIR. The application has been directed to be treated as a complaint and the matter is now listed for preliminary evidence of the complainant. It is to be noted, at this stage, that the petitioners had earlier filed CRM-M-19474 of 2020 for a direction to the authorities to register an FIR. The said petition was dismissed as withdrawn on 20.07.2020 with liberty to the petitioner to avail the remedies available to him. Present is not a case, where the complaint has been dismissed and the petitioners left remediless, as sought to be projected.

Learned counsel for the petitioners is unable to point out any infirmity or illegality in the impugned order.

No other argument has been addressed.

In the given facts and circumstances of this case, I do not find any ground whatsoever for setting aside the impugned order dated 07.08.2020, passed by the learned Judicial Magistrate Ist Class, Amritsar.

Petition is accordingly dismissed.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

26.10.2020
s.khan

[LISA GILL]
Judge

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