

CRM-M-39802-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39802-2020

Date of decision:02.12.2020

Harpreet Kaur

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.K. Singla, Advocate and
Mr. Tarun Singla, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through Video Conferencing.

Prayer in the present petition is for setting aside the order

dated 16.09.2020 (Annexure P-30) passed by the Sub Divisional Magistrate, Phillaur, District Jalandhar, whereby calandra under Section 145 Cr.P.C. (Annexure P-14) was dismissed being not maintainable.

Learned counsel for the petitioner draws the attention of this Court towards the photographs indicating that the police officials along with the private respondents had taken over the possession of the disputed property and they had demolished the crops. He further submits that the impugned order passed by the learned Sub Divisional Magistrate, Phillaur, is against the statutory provisions of law and, therefore, the same is liable to be set aside.

I have heard the learned counsel for the petitioner and gone through the record.

A perusal of the record shows that respondent No.8-Mohinder

Kaur filed a civil suit in which the parties had been directed to maintain the

status-quo over the disputed property. Moreover, the application under Order 39 Rules 1 and 2 C.P.C. filed by the petitioner had been dismissed by the learned Civil Judge (Jr. Division), Phillaur, vide order dated 09.05.2019 (Annexure P-4) with the observation that one Santokh Singh, who is not a party in the present petition, is shown as owner and the petitioner could not produce any document, showing claim of property in dispute and Santokh Singh had been directed to harvest the crop. Moreover, in the application under Order 39 Rules 1 and 2 read with Section 151 CPC filed by Santokh Singh, status-quo regarding possession of the disputed property had been ordered.

No interference is warranted to set aside the order dated 16.09.2020.

Dismissed.

02.12.2020
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No