

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

**CRM-M-30108-2021
Date of decision: 02.08.2021**

Inderjit Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravindra Jain, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents to reinvestigate the report dated 08.04.2021 (Annexures P-5 and P-6), vide which the complaint filed by the petitioner before the CM Window was disposed of on the basis of wrong information supplied by the private respondents.

On 04.03.2021, the earlier petition, filed by petitioner Inderjit Singh, was disposed of by passing the following order:

“Prayer in this petition is for issuance of directions to official respondents to take appropriate against the private respondents on the complaint given by the petitioner.

Learned counsel for the petitioner submits that with regard to disputed land, the petitioner has filed a civil suit praying for decree of permanent injunction against the private respondents and the Civil Court, in an application filed by the petitioner under Order 39 Rule 1 and 2 CPC, has restrained the private respondents, who are defendants,

from causing any sort of interference in the suit land till the decision of the suit, vide order dated 12.11.2018 (Annexure P-2).

Learned counsel for the petitioner further submits that thereafter the private respondents started interfering in the possession of the suit land and he has already filed an application before the Civil Court, under Order 39 Rule 1 and 2 CPC, for directing the police to provide police help, however, the said application was dismissed with the observation that if any criminal intimidation is done being punishable under Section 506 IPC, the petitioner may take appropriate action, vide order dated 15.01.2021.

On the face of it, the order dated 15.01.2021, dismissing the application of the petitioner, is legally incorrect as the Civil Court has the powers to enforce its own order by issuing appropriate orders to the police authorities.

Accordingly, the present petition is disposed of with a direction to Additional Civil Judge (Sr. Divn.), Yamuna Nagar at Jagadhri to redetermine the application within a period of 15 days, on receiving a certified copy of this order, by treating the same an application under Order 39 Rule 2-A of CPC for the strict compliance of its own order dated 12.11.2018.”

Learned counsel for the petitioner submits that in pursuance thereof, now the Investigating Officer/Incharge, Police Post Jagadhri has disposed of the said representation by making the following observations:

“In regards to the complaint No. CMOFF/N/2021/020724 dated 04.03.2021 filed by Paramjit Kaur W/o Sh. Inderjit Singh C/o Inderjit Singh Poultry Farm Teli Majra, Jagadhri, Yamuna Nagar, against Akbar Ali, Asgar Ali, Noor Mohammad, Sarif Mohammad, Roshan Ali, Liakat Ali son of Lilu Din, All are resident of

Village Teli Majra, Jagadhri. Etc. regarding: throwing of Cow dung in the plot of complainant and using of abusive language was investigated by Sh., Bhupinder Singh S.I. P.S. City Jagadhri, after reaching on the spot both the parties were called on and during investigation it is found that the plot in dispute was purchased by the husband of the complainant 40 years ago from one Sh. Jugal Kishore R/o Teli Majra, and raised the boundary wall and now in the possession of husband of the complainant, adjacent to the wall there is 500 yards open land and in which the accused persons throwing their cow dung and the respondents are in possession for the last 120 years. The husband of the complainant has filed a civil suit in regards to this land in the court of Sh. Amit Gautam, ACJ, (Civil Judge) and to vacate this land an order was passed dated 09.03.2021 and accused persons had filed an appeal against the order which is pending in the court of Sh. Amrinder Sharma ADJ, Jagadhri, and the same is now fixed for 19.08.2021 complainant had not recorded his statement whereas the accused persons got recorded their statement, the copy of accused statement and the documents of the property are attached, no unto-ward incident was found as per complaint or seems to be happened, there is no need to keep the matter pending thus, the complaint was revert back along with report. The complaint be consigned to records.”

Learned counsel for the petitioner further submits that the petitioner has filed a civil suit, praying for decree of permanent injunction restraining the private respondents from entering into peaceful possession of the property and vide order dated 12.11.2018 (Annexure P-1), the application was allowed and the appeal is pending.

Learned counsel for the petitioner further submits that the civil

Court has passed some order providing the police help for compliance of the injunction order datedd 12.11.2018, however, the police has passed the aforesaid order.

Be whatsoever, since the matter is subjudice before the civil Court, wherein an application Order 39 Rule 2-A of CPC is pending and as per the own case of the petitioner, some police help has been provided, I find no ground to entertain this petition as against the said inquiry, conducted by the police, the petitioner can approach the Illaqua Magistrate by filing a complaint for redressal of his grievances.

Dismissed.

02.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No