

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

**CRM-M-35224 of 2021
Date of Decision: 31.08.2021**

Satwinder Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Virk, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 482 Cr.P.C. is filed seeking direction to respondents No. 2 and 3 to conduct impartial investigation of case in FIR No. 83 dated 2.7.2021, under Sections 427, 447, 506 and 149 IPC, registered at Police Station Banur, District Patiala and to decide the representation dated 3.8.2021.

The facts in brief are that the petitioner and respondent No. 5 (arrayed in the petition) are co-sharers in the suit property. There are allegations that the private respondents are trying to sell specific portion of the land from the joint estate. A civil suit for permanent injunction is pending between the parties. There is an ad interim injunction granted restraining the private respondents from changing the nature of the suit land or to alienate any specific portion. As per the pleadings, respondent No. 7 violated the interim order and for the violation FIR was registered. After registering an FIR, the petitioner was called to the police station and was made to sit on two consecutive dates. There are pleadings that the petitioner is being pressurized to compromise the matter.

The petitioner moved a representation dated 3.8.2021 for

transfer of investigation.

From the representation itself and from the pleadings, it is clear that it is a case of civil dispute between the two parties and the matter is sub-judice before the civil court. There is an interim protection granted under Order XXXIX Rules 1 & 2 CPC. The petitioner has a specific remedy provided under the Code of Civil Procedure under Order XXXIX Rule 2A CPC in case of violation of the interim order. Apart from bald statement, there is nothing even to *prima facie* prove any pressure on the petitioner to compromise the matter. In such circumstances, no case is made out for issuing directions to respondents.

Needless to say that the petitioner is complainant in the FIR, his co-operation is bound to be required by the police authorities to proceed with the FIR.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

31st August, 2021

mk	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No