

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

(Through Video Conferencing)

CRM-M-1362-2022

Date of Decision:-01.02.2022

Gurlal Singh & Anr.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harvinder Singh Maan, Advocate for the Petitioners.

Mr. A.K. Kaundal, DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed under Section 482 Cr.PC for seeking directions for registration of an FIR under Sections 379, 447, 427, 148, 149, 506 and 120-B IPC and relevant provisions of Arms Act at Police Station Boha, District Mansa against the respondent Nos.5 to 11.

The petitioners state that they are in possession of a property and the private respondents on different dates have attempted to illegally and forcefully commit criminal trespass with dangerous weapons on their property. He further states that he had moved a representation Annexure P-1 to the SSP Mansa seeking registration of an FIR under Sections 379, 447, 427, 148, 149, 506, 120-B IPC and under the provisions of Arms Act at Police Station Boha, District Mansa in the light of the judgment in **Lalita**

Kumari Vs. Govt. of U.P. & Ors. 2013(4) RCR Criminal 979.

Learned Counsel appearing for the State of Punjab on instructions from SI Rajinder Singh states that based on the complaint of the petitioner proceedings under Section 145 Cr.PC have been initiated before the SDM on 16.12.2021. He further states that as per his instructions it is the private respondents who are in possession of the property, a fact which has been strongly disputed by the counsel for the petitioner who states that civil proceedings had culminated in his favour and he was in possession.

Be that as it may, given the fact that proceedings under Section 145 Cr.PC have been initiated and are pending adjudication before the court of SDM no directions are required to be issued in the present case. However, it is made clear that this Court is expressing no opinion whatsoever as to which party is in possession of the property, which is the domain of the appropriate Civil Court. The petitioner, if so advised may approach the Illaqa Magistrate for registration of FIR under Section 156(3) Cr.PC.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 01, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>