

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

CRM-M-6530 of 2022

Date of Decision: 15.02.2022

Kulwant Singh

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Deepak Verma, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

By means of this petition, petitioner seeks directions to respondent Nos.2 to 5 to file status report in complaint No.1726-PD dated 23.04.2021 lodged with SSP, Hoshiarpur-respondent No.2 and transfer the investigation to any other competent authority.

It is stated that the petitioner had taken the land measuring 18 acres on rent for agricultural purposes from one Sardool Singh in village Behbalpur, Tehsil Garhshankar (Mahilpur), District Hoshiarpur in the year 2007, in terms of an oral agreement vide which the petitioner was paying the rent at the rate of Rs.18000/- per month per acre to said Sardool Singh, who is stated to be an NRI. During the lock down period in the year 2020, the petitioner was forced to hand over certain undated signed cheques to him, as security, which were committed to be returned as and when future payment was made. It is stated that the crop being sown by the petitioner was ready to be cut in April 2021, however, said Sardool Singh, who had already received the rent for 2020-2021 from the petitioner in March, 2020 itself, while taking the undue benefit of absence of the petitioner, has cut the whole wheat crop from 18 acres of land thereby causing loss of more than Rs.9 lacs to the petitioner besides filing a civil suit for permanent injunction against him.

Learned counsel for the petitioner submits that the petitioner has already moved an application to the Sr. Supdt of Police, Hoshiarpur in

this regard but no action has been taken thereon. Instead, he received the information under RTI that the complaint was recommended to be consigned by wrongly interpreting his statement as a consent to close the complaint case, which was never the intention of the petitioner, who had suffered a huge loss of about Rs.10 lacs.

In M. Subramaniam & Anr Vrs. S. Janaki & Anr.” reported in (2020) SCC Online SC 341, it has been held that if a person is aggrieved of the action of the police in not registering an FIR, he can approach the Magistrate under Section 156(3) Cr.P.C.

In the light of the aforesaid, learned counsel for the petitioner wishes to withdraw the present petition with liberty to file an application under Section 156(3) Cr.P.C.

Disposed of with the liberty aforesaid.

February 15, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No