

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

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**CRM-M-18516-2022 (O&M)
Date of Decision: 11.05.2022**

PAWAN SHARMA AND ANOTHER

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Sauhard Singh, Advocate for
Mr. Pankaj Kaushik, Advocate
for the petitioners.

Mr. Ashish Yadav, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking issuance of direction to respondents No.1 to 4 to register an FIR against the accused/respondents No.6 to 10, as per the provisions of law.

Learned counsel appearing on behalf of the petitioners *inter alia* contends that the petitioners were residing as tenant on the first floor of the house No.12, Park Colony, Bhiwani for the last two years and have been paying the rent regularly on time. He further submits that on 19.05.2020 at about 11.30 AM, Sheela Rani wife of the landlord alongwith her three sons, daughter-in-law and 8 to 10 boys came to the house and attacked the petitioner and his wife Santosh Sharma. It is further argued that the wife of the landlord was alleging that she is the sole owner of the house in question, and that she does not want any tenant in the said house. The petitioner apprised the husband of Sheela Rani about the incident, whereupon the husband of Sheela Rani also came to the spot. It is further alleged that the husband was also given beatings by his wife i.e. Sheela Rani and her sons. It is further pointed out that the electric and other home appliances belonging to the petitioners were thrown in the street from the first floor. He further submits that the petitioners had moved a complaint before the police on 20.05.2020 but no action was

taken thereupon.

I have heard the learned counsel for the petitioners and have gone through the documents appended alongwith the instant petition.

Apparently, the case of the petitioners is that they had been inducted as a tenant by the husband of Sheela Rani, and that they had been staying in the said premises for the last two years. However, no document in relation to the petitioners having been inducted as tenants or to be in possession of the premises in question has been appended alongwith the instant petition. Further, even though, it is the case of the petitioners that they were regularly paying the rent, however, no such details as regards the aforesaid claim have been placed on record. It is also evident from the perusal of the file that there is no document also to show that the husband of said Sheela Rani was the landlord of the premises in question or had any title over the house in which the petitioners were allegedly inducted as tenants. In the said circumstances, it is not for this Court to even assume that the petitioners were in actual physical possession of the first floor of the house in question. In any case, the petitioners have their remedies to approach the Illaqa Magistrate and there is no reason why such remedy cannot be invoked by the petitioners.

In view of the above, the instant petition is dismissed with liberty to the petitioners to take recourse to the alternative remedies available to them in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

11.05.2022
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No