

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

236

CRM-M-25070-2021 (O&M)

Date of decision: 06.04.2022

TEJINDER SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. P.S. Jammu, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. G.S. Sandhu, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (Oral)

CRM-18036-2021 AND

CRM-27630-2021

The instant applications have been filed under Section 482 Cr.P.C. for exemption from filing certified and typed copies of Annexures P1 to P-7 and placing on record additional affidavit of petitioner No.1 as Annexure P-8, respectively.

For the reasons mentioned in the applications, the same are allowed.

CRM-M-25070-2021

The present petition has been filed under Section 482 Cr.P.C. for seeking direction to the respondent No.2 and 3 to take an appropriate legal action/register FIR against the respondents No.4 and 5

with a further prayer to protect the life and liberty of the petitioners at the hands of private respondents No.4 and 5.

Status report by way of affidavit of Ramaninder Singh, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana on behalf of respondents No.1 to 3 had been filed. A copy thereof already stands furnished to learned counsel for the petitioners. The relevant extract of the same is reproduced as under:

“4. That the facts of the case are that on the same allegations, petitioner no.2 had also moved a representation with the Commissioner of Police, Ludhiana bearing UID No. 1991556 dated 13.03.2021 levelling allegations that on 14.02.2021, respondent No.5 trespassed into the house of the petitioners and caused injuries to petitioner No.2 but the police has not taken any action against respondent no.5. However, during the enquiry, it was revealed that there is a plot of the petitioners measuring 100 square yards which was purchased by the petitioners from respondent No.4 vide Sale Agreement and respondent No.4 had purchased the same from the father of respondent no.5. However, now father of respondent no.5 has been expired. There is a water pipe laid in the said plot of the petitioners. It was further revealed that there is also a plot measuring 50 square yards of respondent no.5 and he had also laid water pipe in his plot.

However, on the said date i.e. 14.02.2021 the parties quarrelled with each other for laying the water pipe in the plot of each other and in the said occurrence, the petitioners caused injuries to respondent No.5 and similarly respondent no.5 also caused injuries to petitioner no.2. In the MLR of petitioner no.2, two injuries i.e. (1) abrasion over left side forehead, (2) c/o lower backache, no external mark of injury seen. Adv. Ortho opinion. Injury

no.1 was simple whereas injury no.2 was kept under observation but no Ortho opinion was taken by petitioner no.2. Thus, commission of offence u/s 323 IPC is made out which is a non-cognizable offence and therefore DDR No.24 dated 19.02.2021 was lodged on the statement of petitioner No.2. Similarly respondent no.5 has also received two simple injuries in the said occurrence from the petitioners.

However, there is dispute owing to water pipes in the plots of each other and there was apprehension of breach of peace and therefore peace keeping proceedings under Section 107/151 Cr.P.C. vide DDR No.31 dated 16.08.2021 have been launched against the petitioners and respondent no.5. However, there is absolutely no danger to the life of the petitioners from the private respondents.”

A perusal of the aforesaid status report shows that a preventive action has been taken by the Police to avoid breach of peace and that thereafter, the parties have also given their statement to maintain peace.

The present petition is accordingly disposed of with liberty to the petitioners to take recourse to any other appropriate remedy that may be available to them in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 06, 2022
Vishal sharma

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