

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

223

CRM-M-54240-2018(O&M)

Date of decision: 31.03.2022

RAVINDERPAL SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present : Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Kartik Gupta, Advocate
for respondent No.4 and 5.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 482 CrPC for directing respondent Nos.2 and 3 to register a criminal case against respondent Nos.4 to 7 on the alleged ground the private respondents, being property dealers had started construction on the plot purchased by the petitioner.

Pursuant to notice of motion issued on 07.12.2018, reply by way of affidavit of Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division City, Hoshiarpur has been filed. Relevant extract thereof is reproduced hereinafter below:-

2. That the petitioner also submitted application No.553-5 Dasti dated 15.11.2018 to the SHO, PS Model Town, Hoshiarpur against the respondent No.4 regarding interfering in the land owned by him and regarding trying to raise

construction and for taking action in this regard. The SHO, PS Model Town, Hoshiarpur marked the enquiry of the matter to ASI Gulshan Kumar. The inquiry officer ASI Gulshan Kumar called the petitioner and respondent No.4 in the enquiry. The respondent No.4 gave statement to the fact that he has known regarding the suit filed by the petitioner and he will appear in the said civil suit in the Hon'ble Court and he will not raise construction till the further order of the Hon'ble Court. The matter is pending decision before the Hon'ble Court and as such no interference of police is called in the matter. Therefore, the inquiry officer ASI Gulshan Kumar recommended to file the application of the petitioner. Thereafter, ASI Gulshan Kumar inquiry officer sent enquiry report along with papers to SHO, PS Model Town, Hoshiarpur. The SHO, PS Model Town after going through the enquiry report of the inquiry officer ASI Gulshan Kumar filed the application of the petitioner.

Learned counsel appearing on behalf of the petitioner acknowledges that civil suit between the parties is pending and interim injunction has been granted thereupon. He further submits that despite the interim injunction, respondent No.4 has dis-obeyed the same.

I am of the opinion that in the event private respondents are not complying with the injunction passed by the Civil Court, the petitioner would have recourse to the remedies available to him in accordance with law. There is no occasion for this Court to issue a direction to register criminal case for the alleged violation of Civil Court order. Further, the reply filed by the State does not supplement the contention that any violation has been committed by the respondent No.4. The same being a disputed question of fact, it would be appropriate for the petitioner to move an application before the competent Court to

establish his claim, if so advised.

In view of the above, no further directions are required to be passed in the present petition and the same is accordingly disposed of as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

March 31, 2022
S.Sharma(syr)

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