

CRM-M-54304-2022

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

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Date of decision: 23.11.2022

Satyavir Singh

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amandeep Singh Jawandha, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 20.10.2018 (Annexure P-14) passed by learned Chief Judicial Magistrate, Bhiwani, vide which complaint/protest petition bearing No.COMI/2527/2014 dated 23.05.2014, filed by the petitioner against the private respondents, was dismissed, and to the order dated 18.05.2019 (Annexure P-15) passed by learned Addl. Sessions Judge, Bhiwani, vide which criminal revision filed by the petitioner against the order dated 20.10.2018, was dismissed.

The petitioner-complainant filed the complaint against the private respondents with the allegations that on 11.12.2011, the accused persons entered his fields forcibly and tried to take possession of the property illegally and also started throwing bricks thereby destroying his mustard crop, and that they had also threatened the brother of the

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complainant. On 16.12.2011, when the complainant went to his fields, he found that the accused had been destroying his crop, and that when he tried to stop them, they had started giving fist and kick blows to him and also threatened him.

Initially, on the basis of the aforesaid allegations, FIR No.543 dated 28.12.2011, under Section 147, 149, 447, 427, 379 and 506 IPC, Police Station Bhiwani Sadar, was registered against the private respondents, but after investigation, the police had submitted a cancellation report therein.

Learned trial Court after appreciating the preliminary evidence led by the petitioner, dismissed the complaint vide impugned order dated 20.10.2018.

Aggrieved thereagainst, the petitioner had unsuccessfully filed the revision before learned Addl. Sessions Judge, Bhiwani.

I have heard the learned counsel for the petitioner.

Learned counsel for the petitioner contends that the petitioner is owner in possession of the land measuring 17 kanals 14 marlas comprised in khasra No.43 killa No.7/2 (2-3), 8(2-8), 13/1/1(1-4), 13/1/3(0-12), 13/2(1-17), 14(7-11) and 17(1-9). He further contends that the accused had entered the fields of the petitioner forcibly and destroyed his mustard crop, and that the accused had also tried to take the possession of the land without any authority of law. Learned counsel further contends that the mustard crop standing in khasra no.43 killa No.7/2, 8, 13/2, 14 and 17, was found to have been destroyed by driving the tractor-trolley, as would decipher from the report dated 04.02.2022 (Annexure P-13)

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submitted by the Halqa Patwari.

Learned counsel further contends that the police had wrongly submitted the cancellation report in the above-noted FIR; that both the courts below have failed to appreciate the various revenue records, and that there was no dispute qua the aforesaid land between the petitioner and the private respondents.

I have heard the learned counsel for the petitioner.

Indisputably, FIR No.543 dated 28.12.2021, Police Station Sadar Bhiwani, was registered against the private respondents on the complaint of the petitioner. However after thorough investigation conducted by the police, cancellation report had been filed in the said FIR on the ground that the petitioner could not claim his ownership qua the land in question. There is no document on record to prove that the petitioner was in possession of the land in question and had sown the mustard crop therein. Moreover, a suit for declaration and permanent injunction filed by the petitioner, was dismissed by the trial Court and that the aforesaid decision of the trial Court has attained finality upto the Hon'ble Supreme Court. Both the courts below have rightly held that the petitioner had tried to give the colour of criminal proceedings to the civil proceedings.

It is pertinent to mention here that summoning of the accused in criminal case is a serious matter. The criminal law cannot be set into motion as a matter of course. In the considered opinion of this Court, both the courts below have rightly passed the impugned orders after appreciating the evidence and material available on the file.

In view of the above, this Court does not find any merit in the

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present petition.

Dismissed.

23.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No