

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

132

CRM-M-12561-2023 (O&M)
Date of decision: 21.12.2023

GURMAIL SINGH

....Petitioner

Versus

JASVIR KUMAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Vijay Lath, Advocate with
Mr. A.S. Dhiman, Advocate
for the respondent.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

On 17.11.2023, the following order was passed:-

"The petitioner invokes extraordinary jurisdiction of this Court as envisaged under Section 482 Cr.P.C. for quashing of order dated 17.02.2023 whereby learned Additional Sessions Judge, Rupnagar, while exercising his revisional jurisdiction quashed the restraining order passed by the learned Sub Divisional Magistrate, Sri Anandpur Sahib, while exercising his power as envisaged under Section 133 of Cr.P.C.

At the very outset, learned counsel for the parties are ad idem that the matter can be amicably settled once and for all, in case respondent No.1 affixes sound proof sheets on the wall which is adjoining to the wall of the petitioner, which is referred to as "A to A" in site plan already placed on record as Annexure R-1/A and the opening window to be closed which is shown in photographs, by taking adequate measures.

Mr. Vijay Lath, Avocate, on instructions from his party who is present in Court submits that the proposal made by leaned counsel for the petitioner is agreeable and they are ready to redress the grievance of the petitioner as raised today before this Court, and to comply with the same within 15 days from today.

Adjourned to 14.12.2023.

To be shown in the urgent list.

In the meanwhile, respondent No.1 shall comply with the undertaking given today in Court and in view of the above settlement, the interim directions issued by this Court on dated 14.03.2023, vide which the operation of impugned order was stayed, is hereby vacated and the respondent No. 1 is free to open his shop and thereupon comply with his undertaking in the stipulated time period.

A copy of the order be also forwarded to the learned Sub Divisional Magistrate, Sri Anandpur Sahib, for compliance.

A copy of this order be supplied to learned State counsel during the course of the day for compliance."

Through CRM-54014-2023, learned counsel for the petitioner has placed on record some photographs as well as the bills, depicting that they have now affixed the glass wall plank, which are sound proof. Apart from the thermocol and the wooden sheet, which has earlier been affixed in compliance of the order passed by this Court, so that the sound may not transmit through the wall.

Since the respondent No.1 has complied with the undertaking given to this Court, therefore no further action is required.

Accordingly, the instant petition is disposed.

21.12.2023
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(KULDEEP TIWARI)
JUDGE

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