

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRM-M-24426-2018 (O&M)

Date of decision: 06.02.2023

CHIRAG HORA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Samridhi Sareen, Advocate for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

Mr. Harish Kumar, Advocate for the respondent Nos.5 and 6.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure issuance of appropriate and adequate directions to the official respondent Nos.1 and 2 to lodge an FIR on the complaint moved by the present petitioner on 17.03.2017 against the private respondent Nos.4 to 6 and to transfer investigation to higher officials.

In the order dated 05.09.2022, it had been recorded that the dispute in this case is *inter se* relatives, being first cousins. Prayer by the parties had been made to refer the matter to Mediation Centre for exploring the possibility of an amicable settlement, whereupon, they were directed to appear before the Mediation and Conciliation Centre of this Court.

Report of Mediator has been received, as per which the parties could not arrive at any amicable settlement.

Learned State counsel refers to para 4 of the status report dated 03.10.2018, by way of affidavit of Sartaj Chahal, IPS, Assistant Commissioner of Police, (Civil Lines), Ludhiana, which reads thus:-

It is further submitted that the general power of attorney executed by Yashpal and his brothers bearing Vasika No.4531 dated 03.10.1991 and the lease deeds bearing Vasika No.12762 and 12763 dated 06.02.2000 executed by the attorney were duly registered documents and as per the provisions of Registration Act, 1908 presumption of truth is attached to all these registered documents. The matter is already under the gaze of judicial scrutiny, because multiple cases are already pending regarding this property filed by petitioner and others and their uncle Subhash Chander respondent No.6. The property measuring 1210 sq yards, which was in the name of petitioner Chirag Hora, Akash Hora and Hina Hora was leased out by their uncle Subhash Chander respondent No.6, while acting as attorney of their father Yashpal Hora & others through registered Pattanamas/lease deeds dated 06.02.2000. The said power of attorney, on the basis of which these lease deeds were executed was cancelled by Yashpal, father of the complainant on 26.03.2004 after the execution of the lease deeds. On the basis of the findings of Additional Deputy Commissioner of Police (Special Branch), Ludhiana, the complaint submitted by the petitioner has already been filed by Commissioner of Police, Ludhiana respondent No.2 on 14.09.2018.

Learned counsel for respondent Nos.5 and 6 submits that respondent No.4 has since expired and the present case is of civil nature. The petitioners have already filed a civil suit which is pending adjudication before the trial Court at Ludhiana and is presently fixed for evidence.

Faced with this, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to avail of alternate remedy available to him in accordance with law.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

(AMAN CHAUDHARY)
JUDGE

February 06, 2023

M.Kamra/S.Sharma(syr)

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