

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

268-CRM-M-21789-2021

Date of Decision: 13.02.2023

ASHA RANI

... Petitioner

VS.

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. KB Raheja, Advocate for the petitioner
Mr. Mohit Kapoor, Addl. AG Punjab
Mr. Vivek Singla, Advocate for respondents No.5&6

Sandeep Moudgil, J. (Oral)

The petitioner seeks a direction to the official respondents to take legal action on the application (Annexure P1) alleging that respondents No.5&6, namely, daughter and son-in-law, respectively, of the petitioner, are not returning her money, gold ornaments and sale deed which were handed over to them by the petitioner.

Notice of motion was issued on 12.07.2021 and the State counsel was directed to file status report.

In compliance thereto, status report dated 28.07.2021 has been filed by way of affidavit of Commissioner of Police, Amritsar stating that as far as the question of handing over the possession of part or possession of house is concerned, it is averred that there is stay by the Civil Court in the Civil Suit preferred by one of the son of the petitioner, namely, Rajkumar to which the petitioner is also party.

This Court is of the considered view that it is beyond any stretch of imagination that the petitioner was not aware of being party to the said civil suit wherein interim order with regard to the protection/possession of the house was passed by this Court, to which a detailed and thorough process was

initiated by the investigating agency/SHO, Police Station B-Division, Amritsar.

Faced with this situation, counsel for the petitioner contends that the aforesaid possession of the house is not the dispute or the subject matter in this petition and therefore, the direction passed by this Court vide order dated 12.07.2021 is of no consequence. The said claim, therefore, has been given up by counsel for the petitioner being already a subject matter of the civil suit.

With regard to the recovery of certain gold ornaments, one sale deed of house and Rs.1 lakh in cash are alleged to have been taken away by the daughter of the petitioner along with her son-in-law, in that regard, a representation is said to have been filed with the Superintendent of Police, District Amrtisar (Annexure P1).

In the light of the status report filed by respondent No.1, this Court is of the considered view that though the grievance of the petitioner has been examined but no specific speaking order has been passed dealing with the said aspect by the respondent No.2.

In the interest of justice and looking into the equity of law, respondent No.2 is directed to pass a speaking order after considering the representation (Annexure P1), within 4 weeks from today and the order so passed be communicated to the petitioner.

Accordingly, this petition stands disposed of.

13.02.2023

V.Vishal

1. Whether speaking/reasoned?

s2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No