

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

[Sr. No.252]

CRM-M-25895-2021

Date of decision :28.02.2023

Sunita

.....Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. D.S. Sidhu, Advocate for
Mr. Vikas Bali, Advocate for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to the official respondents No.2 and 3 to look into the grievances of the petitioner, who had moved numerous applications/complaints (Annexures P-17 to P-27) alleging that respondents No.5 & 6 who have illegally trespassed over the property of the petitioner and has forcefully taken the possession of the property.

Learned State counsel has already placed on record a status report in the case on behalf of respondent No.1-State of Punjab and specifically refers Para Nos.9, 12 and 13 thereof, which read as under:-

“9. That is it respectfully submitted that the petitioner/her son did not co-operate in investigation and failed to get recovered the articles stolen (including Rs.20,000/-) from property in question. As a matter of consequence, offence under Section 201 IPC was added in the array of Sections on dated 15.02.2021. So far the petitioner has failed to substantiate the factum of her marriage with Late Palminder Singh and has neither furnished proof of her marriage (in the form of photographs/wedding cards/marriage certificate/videography etc.) nor of her divorce with her earlier husband and the alleged manner in which she was placed in

possession of property in question. The documents like voter card, Adhar Card and passport only proves her identity not marriage with Late Palminder Singh and the manner in which she got prepared those documents is also under investigation. Efforts are being made for verifying the documents relevant for proving ownership/development of interest in the property in question for ascertaining their authenticity and applications are being filed with competent authorities for obtaining record thereof. On completion of investigation, final report under Section 173 Cr.P.C. 1973 would be prepared and presented before the Ld. Court of competent jurisdiction.

12. That it is further respectfully submitted that so far as the question of life and liberty of the petitioner is concerned, it is submitted that even though no threat perception was reported to the petitioner/her family members during the investigation conducted, however, in order to ensure her safety, the SHO Police Station Div. No.4 Commissionerate Jal (having jurisdiction over the area wherein petitioner resides) has been directed to increase patrolling in the area and provide the petitioner with his own mobile number as well as that of MHC Police Station Div. No.4 JAL.

13. That is respectfully submitted that in view of the facts and circumstances narrated above, it is evident that the dispute pertains to ownership and possession over the property in question. The petitioner is claiming herself to be legally wedded wife of Late Palminder Singh, which is the genesis of her alleged claim towards property in question. Civil litigation is underway with Wakf Board, Punjab over ownership dispute of the property in question. So far as present case/FIR is concerned, the same was registered based on the fact that on the date of occurrence the possession of property in question was with respondent No.5 and the petitioner along with others trespassed over the same, committed theft and attempted to take illegal possession of the same. The matter is pending investigation. False allegations are being levelled against the police officials in order to obtain some favourable order from this Hon'ble Court. SHO Police Station, Division No.4 is directed to complete the same at its earliest and present the final police report prepared under

Section 173 Cr.P.C. 1973 before the Ld. Court of competent jurisdiction.”

In view of the above, present petition is disposed of with liberty to the petitioner to avail of any alternative remedy in accordance with law.

28.02.2023

ANJAL

[AMAN CHAUDHARY]
JUDGE

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