

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-1613-2021 (O&M)
Date of decision: 04.07.2023

Karamjeet Kaur

...Petitioner

Versus

Charanjit Singh Sohal, IPS and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Dadwal, Advocate
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

Mr. Sanjeev Kumar, Advocate for
Mr. J.S. Dadwal, Advocate
for respondents No.3 to 5.

ARVIND SINGH SANGWAN, J.

The petitioner alleges violation of the order dated 07.07.2021 passed in CRM-M-25565-2021, wherein he challenged initiation of proceedings under Section 145 Cr.P.C. with regard to land in dispute and while issuing notice of motion, operation of the impugned order dated 13.05.2021 was stayed.

On 10.04.2023, following order was passed: -

“The Senior Superintendent of Police, Ludhiana (Rural) along

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with the Deputy Superintendent of Police, Jagraon, are present in the Court.

Counsel for the State, on instructions, has submitted that the FIR No.0168 dated 08.11.2021 under Sections 447, 511, 294, 506, 148, 149 IPC was registered at Police Station Sadar Jagraon, District Ludhiana (Rural), on a complaint given by Parminder Singh that the petitioner's side is trying to take forcible possession of the land, which is admittedly in joint possession of the parties even as per the report of the Tehsildar, Jagraon, which is noticed in the order dated 13.05.2021 passed by the Sub-Divisional Magistrate, Jagraon, wherein Section 145 Cr.P.C. was invoked, which is under challenge vide CRM-M No.25565 of 2021. It is also admitted case that in a civil suit filed by the complainant side i.e. Parminder Singh and others, the injunction application was declined and a suit for partition is also filed by the said party and therefore, invoking of Section 447 IPC by prima facie holding that Parminder Singh and others are in possession of the property and the petitioner side i.e. Karamjit Kaur and others, have forcibly tried to cultivate or remove the crop, is not based on any legal evidence. Counsel for the State further submitted that the investigation is still pending.

List again on 19.05.2023.

In the meantime, fresh compliance affidavit of the

concerned official be filed.

The personal appearance of the Senior Superintendent of Police, Ludhiana (Rural), shall remain exempted.”

Fresh reply by way of affidavit of Senior Superintendent of Police, Ludhiana (Rural) has been filed in the Court today, in which it is stated that in order to maintain law and order, after taking the opinion, FIR was registered, which has been cancelled and cancellation report has been duly approved by the Inspector General of Police, Ludhiana Range, Ludhiana on 28.06.2023.

Learned State counsel submits that cancellation report will be submitted in the Court in due course. It is further submitted that the police is not interfering in possession of any of the parties and only in order to maintain law and order, necessary action is being taken by the police.

In view of the above, present petition is rendered as infructuous at this stage with liberty to the petitioner to revive the same, if so advised.

[ARVIND SINGH SANGWAN]
JUDGE

04.07.2023
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No