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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCN No.1400 of 2022 (O&M)

Date of decision: 15.02.2023

Ex-Sub/Maj. Rajpal Rana

....Petitioner

Versus

Ganga Ram Punia and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. P.K. Longia, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

A perusal of the last 03 orders shows that the petitioner is taking repeated adjournments.

As per the averments in the contempt petition, the father of the petitioner has filed a civil suit before the Civil Court at Karnal, which was decreed on 31.08.1965 holding his possession over the plot. It is stated that on 05.02.2022, some persons of the village tried to commit the offence of criminal trespass by keeping cattles with a motive to take illegal possession and in that regard, a complaint was given to the Police Station, however, no FIR was registered. It is further stated that in view of the judgment of the *“Lalita Kumari vs State of U.P. and others”*, 2013 (4) RCR (Criminal) 979, passed by the Hon’ble Supreme Court, once a cognizable offence is made out, it is mandatory to register an FIR under Section 154 Cr.P.C.

The present contempt petition is filed against the Superintendent of Police Karnal as well as the SHO, Police Station Madhuban and the so-called accused are not arrayed as respondents.

As noticed above, no formal notice has been issued as the petitioner is taking adjournments for the last 03 days and even today, there is no representation on behalf of the petitioner. However, counsel for the State has submitted that in fact, it is a dispute between the family of the petitioner regarding a plot and on receiving the complaint, the respondent No.2 recorded the statement of the petitioner on 15.05.2022, in which it is stated that Dalbir Singh son of Rambhaji, who and the petitioner are having a common ancestor, is claiming 1/3rd share in the plot and he will produce all the documents in the Court and whatever decision is given by the Court, the same will be accepted by him and by his brothers. Similar statement of Dalbir Singh, against whom the complaint was given, was recorded in which it is stated that a suit has been filed by Rajpal son of Shiv Dayal, in the Court and whatever decision will be passed by the Court, the same will be accepted by himself and his family members. The SHO has also recorded the statement of other family members namely Harbhajan, Nitin, Rajinder, Anil, Rahul, Yameen and Neetu, who have also stated no untoward incident happened with regard to the plot between the side of Rajpal and on the other side of Dalbir Singh and Rajpal has filed a Court case.

In the light of the same, the SHO opined that no cognizable offence is made out.

In view of the above, no violation of the *Lalita Kumari’s case (supra)* is made out. The petitioner even otherwise has a remedy to file a complaint under Section 156 Cr.P.C. before the Illaqa Magistrate.

Accordingly, the present contempt petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

15.02.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No