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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32972-2023 (O&M)

Date of decision: 20.07.2023

Rajbala

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Vijay Kumar Sheoran, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to respondent Nos.2 to 4 to conduct a fair and impartial investigation in FIR No.70 dated 31.03.2023 registered under Sections 147, 447, 506 read with Section 149 of IPC at Police Station Bahuakbarpur, District Rohtak against respondents No.5 to 8 and other unknown accused persons expeditiously and to take all necessary steps to get the guilty people punished by arresting them as per law.

2. Learned counsel for petitioner submits that husband and sons of the petitioner, namely, Baljeet, Arvind and Amit are co-sharers and in exclusive cultivating possession over the land in question since more than 70 years and father of respondents No.5 and 6, grandfather of respondent No.7 and father-in-law of respondent No.8, namely, Balraj purchased share of land from one of the co-sharers, namely, Jai Singh in the same joint land of the family members of the petitioners. Without partition of land from a competent court, private respondents want to take forcible possession over the land on which the family members of the petitioner are on the cultivating possession and prior thereto, their predecessors-in-interest were in cultivating possession since more than 70 years. Son of the petitioner, namely, Arvind moved a complaint to the SHO Police Station, Bahuakbarpur to protect their lives and liberty at the hands of private respondents and to restrain them from interfering in their peaceful possession but to no avail.

2.1. Learned counsel for petitioner further submits that on 18.03.2023 at about 7:30 a.m., respondents No.5 to 7 along with other accused persons destroyed the crops of *Jawar* sown by petitioner and her family members with the help of a tractor. When Arvind, son of petitioner, tried to stop them, they slapped him and also threatened to kill him. Police reached the spot and saved the son of petitioner from the clutches of the assailants. Petitioner moved police complaint on 18.03.2023 but no action was taken. Petitioner then approached the Superintendent of Police, Rohtak and when nothing needful was done, she eventually moved her complaint to Inspector General of Police, whereafter FIR No.70 dated 31.03.2023 was registered against the accused/respondents No.5 to 7 and other unknown accused persons. He further urges that now more than three and a months have elapsed after registration of FIR but no action has been taken by the police against them. Petitioner is running from pillar to post to get the guilty people punished. Hence, the instant petition.

3. Notice of motion.

4. Learned State counsel appears on service of advance copy of petition and accepts notice on behalf of State of Haryana.

5. In my opinion, the petitioner ought to have first approached learned *Ilqa*/Area Magistrate under Section 156 (3) Cr.P.C for redressal of her grievance, if any, before directly approaching this Court. Section 156 (3) *ibid* empowers a Magistrate to ensure proper investigation. Reference may be had to Apex Court judgment in **Sakiri Vasu versus State of U.P and others¹**.

6. In the premise, instant petition is disposed of. The petitioner is, however, at liberty to approach the appropriate forum for redressal of her grievance, as aforesaid.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

20.07.2023

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No