

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

104

CWP-18153-2022  
Date of Decision: 24.05.2023

RAM AVTAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

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Present: Mr. Shalender Mohan, Advocate  
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The present petition has been filed for quashing the impugned action of respondents No.4 to 13 who have entered into the fields of the petitioner and destroyed the standing crop of wheat without any reason and without any fault of the petitioner.

Status report by way of affidavit of respondent No.4- Sukhdev Singh, Inspector, Station House Officer, Bass, District Hansi had been filed, wherein it is averred as under:

*“3. That Raj Kumar son of Sher Singh and Ram Avtar son of Dalip Singh i.e. Petitioner residents of Garhi sent a complaint in the office of Superintendent of Police, Hansi, which was sent to SHO Police Station Bass vide Diary No. 91-HM dated 02.03.2022 and same was received in Police Station Bass (Respondent No.3). On the same SHO, Bass i.e. respondent No. 3 has taken necessary action and submitted report after verifying the facts of the complaint. That on dated 11.04.2022 DD No. 32 was registered under Section 107/150*

*of Cr.P.C. at Police Station Bass against respondent No. 10 namely Usha and respondent No. 11 namely Fakir Chand.*

- 4. That on dated 12.04.2022, information was received at Police Control Room Hansi regarding injuries to respondent No. 10 and she was admitted in General Hospital, Hisar. On this PSI Sandeep alongwith colleague LCT Sunita visited General Hospital, Hisar and recorded the statement of respondent No. 10-complainant. On the basis of statement of respondent No.10-complainant DD No. 14 dated 18.04.2022 was registered under Section 107/151 of Cr.P.C. at Police Station Bass against Jagmender son of Balwant and his wife namely Suman residents of Garhi.*
- 5. That Jagmender son of Balwan resident of Garhi sent a complaint in the office of Superintendent of Police, Hansi, which was sent to SHO Police Station Bass vide Diary No. 267-PESHI dated 18.04.2022 and same was received in Police Station Bass (Respondent No.3) on dated 19.04 2022. On the same SHO, Bass i.e. respondent No. 3 appointed PSI Sandeep on dated 19.04.2022 to take necessary action and submit report after verifying the facts of the complaint. That on dated 10.07.2022, during the course of investigation it was found that all allegations are false and said complaint was disposed of and in the same respondent No. 3 also agreed to dispose of the complaint on dated 10.07.2022*
- 6. That respondent No. 10 namely Usha wife of Sunny resident of Rampura sent a complaint in the office of Superintendent of Police, Hansi, which was sent to SHO Police Station Bass vide Diary No. 1573-PU dated 13.09.2022 and same was received in Police Station Bass (Respondent No.3) vide 345- SP dated 15.09.2022. On the same SHO, Bass i.e. respondent No. 3 appointed SI Bhim Singh 343/KTL on dated 16.09.2022 to take necessary action and submit report after verifying the facts of the complaint. That on dated. 27.09.2022, during the course of investigation respondent No. 10 complainant suffered her statement that complaint was made in mutual enmity. They have no dispute and she also stated that she did not want take any legal action on the complaint. That on dated 01.10.2022, on the*

*consent of complainant the above said complaint was disposed of and in the same respondent No. 3 also agreed to dispose of the complaint on dated 01.10.2022. True translated copy of the statement of respondent No. 10 is attached as Annexure R-1.*

- 7. That respondent No. 10 namely Usha wife of Sunny resident of Rampura sent a complaint in the office of Superintendent of Police, Hansi, which was sent to SHO Police Station Bass vide Diary No. 86-PU dated 27.01.2023 and 59-Peshi dated 30.01.2023 same were received in Police Station Bass (Respondent No.3). On the same SHO, Bass ie. respondent No. 3 appointed L/ASI Geeta 79/FTB on dated 01.02.2023 to take necessary action and submit report after verifying the facts of the complaint During the course of interrogation Bhoop Singh son of Keshav Ram, Ram Avtar son of Dalip Singh and Raj Kumar son of Dharam Singh were joined in the investigation. They stated that on dated 26.01.2023, they went to their fields and that time they seen some dispute raised between Sunny husband of Usha (respondent No. 10). Usha and Jagmender. Usha and Sunny were standing in their field and Jagmender was standing in his field. The gap between Usha, Sunny and Jagmender about one acre. They also stated that allegations on Jagmender were false, which had been alleged by respondent No.10. That on dated 04.02.2023, it was found that, the complainant of above said complaint (respondent No.10) did not want to join the investigation intentionally and other respected persons of village joined the investigation and recorded their statement that the both parties having dispute regarding passage in their fields, so court cases are pending between the parties in Civil Court, Hansi. On the basis of all oral and documentary evidence, it was found that the allegations are false and the above said complaint was disposed of. On the same respondent No. 3 also agreed and complaint was disposed of on dated 04.02.2023. True translated copy of the report dated 04.02.2023 is attached as Annexure R-2*
- 8. That on 18.04.2022, the Ld. Civil Court Hansi in contempt application/petition titled as Usha Vs Jagmahender etc. CIS No. CM-*

*13-2022 directed the police authority i.e. SHO, Bass to implement the order dated 29.07.2021 for passing of Tractor Trolley, Bull cart etc. through the passage in dispute for lifting of wheat, fodder and to cultivate the land in dispute, the order of Id. Trial civil court is already annexed herewith as Annexure P-9*

- 9. That on dated 20.04.2022, respondent No. 10 filed an application for compliance of Ld. Civil Court, Hansi order dated 18.04.2022. On this SHO Bass i.e. respondent No. 3 wrote a letter vide serial No. 568-5A dated 26.04.2022 to Tehsildar, Hansi for taking the information of passage in Khewat No. 810 Killa No. 23 and 24, which were cultivated by respondent No. 10. That on dated 27.04.2022, the report of Halka Patwari was received and mentioned that in these killa numbers, no passage exists and only water course is shown in Akas Shizra/map.*
- 10. That on dated 04.05.2022, report was submitted by SHO, Bass in the Ld. Civil Court, Hansi stating that on dated 28.04.2022, PSI Sandeep reached at concerned land of respondent No. 10 in village Garhi alongwith his staff and informed husband of respondent no. 10 on his mobile no. 87500-04325 from mobile number 79883-53875. At that time respondent no. 10 and her son were present in their fields. After waiting for two hours at about 12:30P.M. Sunny came there alongwith combine. At that time petitioner namely Ram Avtar son of Dalip, Raj Kumar son of Sher Singh, Balwant and Jaibir sons of Jailal, respected persons of village Ex. Panch Chhaju son of Ransingh, Pyare Lal son of Niranjana Lal, Mahabir son of Srichand, Vijay son of Pyare Lal, Naseeb son of Krishan and Ram Kishan son of Hawa Singh residents of Garhi etc. were present there. Owner of land i.e. petitioner and others shown the map/ akas shizra of fields and stated that no authorized passage for going to respondent no. 10 fields exists in this map. All these facts and incidents were mentioned in general diary vide GD request No. 37 dated 28.04.2022 at Police Station Bass. True translated copy of GD request no.37 dated 28.04.2022 is attached herewith as Annexure R-3.*

11. *That on dated 11.05.2022, the order dated 18.04.2022 of Ld. Civil court Hansi was executed in the presence of Police force. At that time, there was no standing crop of the petitioner in his fields. As such, no standing crop of wheat of petitioner was destroyed by the respondent no. 4 to 13 in the presence of police staff, when crop of respondent no. 10 was taken out from her field, as has been alleged by the petitioner.*
12. *That it is pertinent to mention here that the petitioner is a party in the contempt application/petition in which order passed by civil court Hansi i.e. Usha Vs Jagmahender CIS No. CM-13-2022 and in this contempt application petitioner has been impleaded as defendant No. 9, which is now fixed for 17.04.2023 for appearance. True copy of the same is annexed herewith as Annexure R-4. It is apparent that the petitioner has willfully and knowingly disobeyed the order dated 29.07.2021 passed in CIS No. CS/468/2021. It is also submitted that this suit is sufficient to prove that the petitioner is also a party in the contempt application which was filed by the respondent no. 10 against petitioner and his co-sharers in joint khewat of agriculture land which was filed for use by the respondent no. 10 for going to her fields for cultivating the crops and other miscellaneous purposes relating to cultivation.”*

A perusal of the aforesaid status report clearly shows that disputed questions of facts are involved in the present petition and it is not for this Court to examine the said issues. Besides, contempt proceedings wherein the petitioner has also been impleaded as party respondent are also pending before the Civil Court.

In the totality of the circumstances, I find that the issues raised in the present petition cannot be gone into by a Writ Court.

In view of the above, counsel for the petitioner seeks withdrawal of the present petition so as to avail alternative remedies that are available to the petitioner in accordance with law. He further prays that the costs of Rs.50,000/-

that was deposited by him pursuant to the order dated 21.02.2023 may be released to him.

No order as to costs is, however, being made in the facts of the present case.

Disposed of as withdrawn with the liberty as aforesaid.

24.05.2023  
rajender

(VINOD S. BHARDWAJ)  
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No