

CRM-M-39361-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 10.08.2023

Sukhdev Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Anand Kaushal, Advocate for the petitioner.

Mr. Dhruv Dayal, Addl.A.G., Punjab.

ARUN MONGA, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. seeking issuance of directions to respondent Nos. 3 to 5 to conduct fair investigation in case FIR No. 58 dated 15.04.2009(Annexure P-1), registered under Sections 379, 435, 447, 427, 148 read with Section 149 IPC at Police Station, Majitha, District Amritsar instituted at the instance of petitioner.

2. Succinct facts first, as pleaded in the instant petition.

2.1 A family dispute arose between the petitioner and private respondents with regard to land measuring 42 Kanals situated at village Jagdev Kalan, owned by Santokh Singh, father of the petitioner (respondent No.6 herein). Respondent No.6 executed a sale-deed of the aforesaid land in favour of respondent No.7 (brother of the petitioner) and his two sons. As petitioner was deprived of his half share, he filed a civil suit at Ajnala which was decided in his favour. Aggrieved against the said order, respondent No.7 filed an appeal before learned lower Appellate Court. However, the same was dismissed and petitioner was declared as legal heir of respondent No.6 and the holder of half share in the aforesaid land. Dissatisfied with the judgment passed by learned lower Appellate Authority, respondent No.7 filed an appeal before this Court, which is still pending consideration. Meanwhile, petitioner took the possession of the aforesaid land as per his entitlement and started sowing crops. However, on 29.04.2007,

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respondent Nos.6 and 7 along with his sons destroyed the crops sown by the petitioner and forcibly took the possession of the land owned by the petitioner which resulted in registration of an FIR *ibid*.

3. Learned counsel for petitioner submits that petitioner is aggrieved against official respondents, who in connivance with private respondents are not performing their duty and are trying to help them by just sitting over the said FIR which was instituted at the instance of petitioner. Learned counsel for petitioner further urges that private respondents have not been arrested till date despite the fact that FIR was registered 14 years back and nothing has been done after registration of the same.

3.1. Learned counsel for petitioner further submits that petitioner is an old man who is a heart patient. He is undergoing treatment for the same for the past 12 years. It was due to this reason that earlier petitioner could not approach the Court against the inaction of the police in the matter.

4. On the other hand, learned State counsel opposes the prayer made.

5. Arguments heard.

6 The explanation of such belated attempt to ignite further proceedings in the FIR does not inspire any confidence. Narrative of the facts in preceding part of this order shows that there is actually a family dispute as is borne out from the civil suit already pending between father and the son. Be that as it may, in any case, FIR has already been registered and law will take its own course if any criminality of any kind is involved.

7. Consequently, I find no grounds to interfere. Petition is dismissed.

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

(ARUN MONGA)
JUDGE

August 10, 2023
Ajay

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