

111**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-42916-2023 (O&M)****Date of decision: 29.08.2023**

Jaswinder Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Abhishek Bansal, Advocate, for petitioner.

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

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') *inter alia*, seeking issuance of direction to respondents no.1 to 4 to take necessary action on the basis of complaints/representations dated 17.05.2023 and 22.06.2023 (Annexures P-6 and P-7) made by her and her son namely Ranjeet Singh, against respondents no.5 to 13 and to protect their life and liberty and for conducting a detailed investigation into the matter.

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

2.1. Husband of the petitioner, namely Amrik Singh was owner in possession of the agricultural land measuring 15 Kanals 9 Marlas, situated at Village Jatala, Tehsil Gurusahi, District Ferozepur. He used to cultivate crops on the said land for many years and after his death, his wife (petitioner) and her son, namely Ranjeet Singh, inherited the above mentioned agricultural land.

2.2. During the life time of Amrik Singh, there was no dispute *qua* the above mentioned land. However, after the death of Amrik Singh, the owners of adjoining land i.e., private respondents started quarrelling with petitioner and even used to trespass in the above mentioned land of the petitioner and by pressurizing her, even tried to acquire the said land.

2.3. In order to stop private respondents from executing their nefarious designs, petitioner and her son approached the concerned authorities for the demarcation of above mentioned land measuring 15 kanal 9 Marla bearing Murba no. 15, Killa no. 2 (7-9), 3 (8-0) situated in village Jatala vide request letter dated 29.11.2022 (Annexure P-1). The demarcation was conducted by the *Patwari* and DGPS on 02.12.2022 vide report (Annexure P-2) and the land was marked with the help of stones.

2.3. That apart, another demarcation was got conducted by the *Panchayat* of *Khasra* number 70 regarding the Government passage which was going from the middle of the land of petitioner bearing *Murba* no. 15, Killa no. 1/2. When demarcation was conducted by the *Halka patwari* and *Kanungo* on 02.12.2022, it came to light that the Government passage was not there and it was going from the adjoining land vide demarcation report (Annexure P-3).

2.4. After some days, the private respondents demolished the stone signs placed during the demarcation and started asserting that they will not obey any signs. Regarding that, son of the petitioner approached the concerned SHO of the area and filed written complaints/representations dated 09.12.2022 (Annexures P-4 and P-5) *qua* the whole incident but no action has been taken by the police.

2.3. Four/five months thereafter, respondents no.5 to 13 alongwith some other unknown persons armed with sticks and rods, descended on the scene and threatened the petitioner and her son with dire consequences. Regarding this, son of the petitioner again approached Respondent no. 4-SHO and filed written complaint/representation dated 17.05.2023 (Annexure P-6) but to no avail.

3. Learned counsel for petitioner submits that due to the inaction of the police, private respondents forcibly and illegally closed the passage in *Khasra* no. 70 which was demarcated *vide* report dated 02.12.2022 (Annexure P-3) and thereafter the private respondents forcibly and illegally carved out the passage out of the land which is private ownership of the petitioner. Regarding this incident petitioner again approached the Respondent no. 4/SHO and filed written complaint/representation dated 22.06.2023

(Annexure P-7) followed by written complaints/representations to SSP, Deputy Commissioner (Annexures P-8 and P-9) and finally to District and Sessions Judge, Ferozepur contained at Annexure P-10 but the same was returned vide order dated 10.07.2023 (Annexure P-11) to the petitioner, directing to avail appropriate legal remedy.

4. *Per contra*, learned State counsel strenuously opposes the prayer made.

5. I have heard learned counsel for the parties and gone through the case file.

6. Be that as it may, in my opinion, the petitioner ought to have first approached learned *Ilaqa*/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. Even otherwise, ordinarily, in case of a grievance arising out of non-registration of an FIR, the aggrieved can seek recourse to remedy by approaching Superintendent of Police under Section 154(3) Cr.P.C. or any other competent police officer per Section 36 Cr.P.C., as was done by the petitioner in the instant case. Even thereafter, if grievance is yet unmitigated, one can then take judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) Cr.P.C. Not only that, an aggrieved party can choose to file a criminal complaint under Section 200 Cr.P.C., if so advised. Reference may be had to Apex Court judgment in “*Sakiri Vasu versus State of U.P and others*”¹.

7. In the premise, no ground is made out to entertain this petition, which is consequently disposed of. The petitioner is, however, at liberty to approach the appropriate forum for redressal of her grievance, as aforesaid.

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

(ARUN MONGA)
JUDGE

29.08.2023
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No