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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-15198-2024 (O&M)
Date of decision : 22.03.2024**

Kiranmeet Saran

...Petitioner

Versus

Interntional Land Developers

Pvt. Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. B.B. Kaushik, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for directing the Station House Officer, Police Station Sadar, District Gurugram, to take action on the basis of Criminal Complaint No.57602 of 2019, filed under Section 156(3) Cr.P.C.; further prayer is to register an FIR against respondents No.1 to 6 and to submit action taken report after investigation in the matter.

2. Contends that aforesaid complaint is pending since 04.07.2019, but no effective order has been passed by the Court of learned Additional Chief Judicial Magistrate, Gurugram (for short, 'ACJM') for registration of an FIR till date; nor any action taken report

has been submitted by the police, despite the fact that a period of almost five years have already gone by.

3. Heard learned counsel for the petitioner and perused the paper-book.

4. It transpires that aforesaid complaint was filed while invoking the provisions of Section 156(3) Cr.P.C for issuance of directions to the SHO concerned for registration of an FIR under Sections 406, 418, 420, 425 and 34 of the Indian Penal Code, 1860, against respondents No.1 to 6 and to investigate the same.

5. Precisely, the allegations are that petitioner booked a flat (Two BHK) bearing No.1402 in Block-E at 13th Floor, measuring 1275 Sq. Ft. (super area) along with one covered car parking slot in lower basement situated at ARETE (Luxury Park Residences), Village Dhunela, Sector-33, Tehsil Sohna, District Gurugram, on 19.11.2013 for total sale consideration of Rs.69,83,375/-. Also discernible that petitioner opted construction linked plan at the time of booking and deposited an amount of Rs.26,32,157/- through instalments upto 13.06.2017. Also alleged that as per Builder Buyer Agreement, the possession of flat was to be delivered within 48 months from its execution, with a stipulation of grace period for six months. However, respondents No.1 to 6 failed to hand over the possession and even construction work has also been completely stopped.

6. Faced with the above situation, petitioner gave a complaint dated 20.05.2019 to the SHO Police Station Sadar Gurugram, for registration of an FIR, but no action was taken and that led to filing of the aforesaid complaint.

7. Also discernable that Project in question was got registered by the Promoter with Haryana Real Estate Regulatory Authority, Gurugram vide registration No.RC/REP/HARERA/GGM/ 312/44/2019 dated 08.02.2019 (P-4).

In view of the factual position noticed herein-above, *prima facie*, the dispute raised by the petitioner is falling within the preview of The Real Estate Regulatory Authority Act, 2016; thus, the petitioner, if so advised, may avail the remedy, as per law.

8. Apart that, complaint under Section 156(3) Cr.P.C of petitioner is already pending for consideration before learned ACJM and it is a matter of common knowledge that every judicial officer in Sessions Division, Gurugram, is under tremendous pressure on account of disproportionate dockets pendency.

9. No doubt, in view of the provisions of Section 483 Cr.P.C., this Court is duty bound to exercise continuous superintendence over the Courts of Judicial Magistrates for expeditious disposal of cases and for reference, Section 483 (*ibid*) is recapitulated as under:

“483. Duty of High Court to exercise continuous superintendence over Courts of Judicial Magistrates.— Every High Court shall so exercise its superintendence over the Courts of Judicial Magistrates subordinate to it as to ensure that there is an expeditious and proper disposal of cases by such Magistrates.”

A perusal of the above statutory mandate clearly reveals that every High Court shall exercise its superintendence over the Courts of Judicial Magistrates within its jurisdiction and to ensure that there is an expeditious as well as proper disposal of cases by the Magistrate(s). Taking into consideration the aforesaid imperatives, this Court verified

from the Registry about total number of cases pending before the officer concerned and in response thereto, the pendency of cases, as on 01.03.2024, before ACJM, Gurugram, is stated to be as under:-

Civil Contested	Criminal Contested	Summary Cases
1158	5130	48

10. In view of the above discussion, it is quite evident that officer is dealing with 6288 cases (contested); therefore, in such a scenario, no ground is made out to accept the prayer of petitioner and/or to issue any mandate to learned ACJM ‘at this stage’.

11. Consequently, there is no option, except to dismiss the petition.

12. Ordered accordingly.

13. However, taking into consideration the fact that complaint under Section 156(3) Cr.P.C is pending since 04.07.2019; learned ACJM is requested, not to grant unwarranted adjournment(s) to either of the parties.

14. Also clarified that above observations made above, be not construed as an expression of opinion on the merits of controversy in any manner.

15. Pending application(s), if any, shall stand disposed off.

22.03.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>