



CRM-M-26066-2013 (O&M)

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

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CRM-M-26066-2013 (O&M)

Date of Decision : November 08, 2024

KAMLESH KANG

-PETITIONER

V/S

STATE OF PUNJAB & ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.S. Bains, Sr. Advocate with
Mr. K.K. Jain, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. S.M. Wadehra, Advocate
for the respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. The reliefs yearned to be reaped through institution of the instant petition cast under Section 482 of the Cr.P.C., appertain to the making of an order by this Court, thus quashing the hereinafter enumerated applications filed by the private respondents against the petitioner:-

(a) *Crl. Misc. Application No.07 dated 27.01.2012 (Annexure P1), titled as "Ranjit Singh and others V/s Mrs. Kamesh Kang";*

(b) *Crl. Misc. Application No.19 dated 06.03.2012 (Annexure P3), titled as "Ranjit Singh and others V/s Kamesh Kang";*

(c) *Crl. Misc. Application No.07 dated 16.04.2012 (Annexure P5), titled as "Ranjit Singh and others V/s Amar Singh and others".*

2. Record reveals that, the applications (supra) have been instituted by the respondents No.2 and 3, in the execution proceedings, which have fi-



nally been consigned to record room after being satisfied, after an approx. five decade long civil litigation battle. In the applications (supra), the present petitioner has filed reply(ies) also.

3. However, before the courts below could adjudicate the applications (supra), the instant petition has been instituted before this Court, thus seeking the hereinabove extracted reliefs, primarily on the ground that, the sole purpose behind institution of the applications (supra) is to harass the petitioner and to take revenge from her, on account of hers earning an affirmative decree in her favour, and that too, after contesting a civil litigation for approx. five decades.

4. The learned senior counsel for the petitioner has also drawn attention of this Court towards various judicial observations regarding the conduct of the respondents No.2 and 3.

5. This Court has considered the submissions made by the learned senior counsel for the petitioner, and, is of the view that the instant petition is a premature motion. Moreover, this Court has no hesitation to record that the instant petition is a misconceived motion, inasmuch as, the institution of the applications (supra) before the courts below did not bestow any right upon the petitioner to straightaway approach this Court by invoking the provisions of Section 482 of the Cr.P.C., especially when the courts below are yet to adjudicate the veracity of the allegations voiced in the applications (supra).

6. Moreover, since the issue(s), as raised before this Court by the petitioner, has already been raised by her before the courts below by filing reply(ies) to the applications (supra), therefore, this Court refrains from adjudicating the said issue(s) by assuming the jurisdiction of the courts below,

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leaving the latter to make adjudication thereof.

7. In summa, the instant petition is **dismissed**. However, the petitioner is at liberty to raise all the pleas and claims, as raised before this Court, before the courts below, which are seized of the applications (supra). Moreover, in case, the petitioner opts to file any additional reply(ies) to the applications (supra), the courts below shall permit filing thereof. The learned counsel for the respondents No.2 and 3 has also extended his 'No Objection' towards filing of additional reply(ies) by the petitioner.

8. Moreover, considering the agony of the petitioner, which she had to face on account of the protracted civil litigation for approx. five decades, therefore, it is also deemed imperative to issue directions upon the courts below to expeditiously decide the applications (supra), preferably within six months from today.

9. It is clarified that, anything observed hereinabove shall not be construed to be any opinion on merits of the applications (supra). The courts below shall independently examine the issue(s) raised by the petitioner and thereupon pass speaking order(s) on the applications (supra).

10. Pending application(s) stand disposed of accordingly.

November 08, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No