

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111+260

CRM M-18849 of 2022 (O&M)
Date of Decision: 27.02.2024

Sharanjit Kaur and another ...Petitioners
Versus
State of Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Petitioner No. 2 in person.

Mr. Kewal Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. On oral request made by petitioner No. 2, the main case is preponed from 15.03.2024 to today, i.e., 27.02.2024.

2. The petitioner, who is appearing in person on her behalf as well as on behalf of her mother, has filed the present petition under Section 482 Cr.P.C. with a prayer to take strict action against respondents No. 2 to 7. Since, the relief claimed in the instant petition was vague and the pleadings were incomprehensible, the petitioner was requested by the Court to take help of some legal aid counsel, so that the pleadings with clarity may be made and the detailed submissions may be made in the present case and complete justice may be done to the parties involved in the present case. Even, the Court explained to the petitioner No. 2 that even this Court can appoint some good lawyer on her behalf *pro-bono*, so that a correct

picture of the facts may be placed before the Court as not only the prayer, but the pleadings were also very vague and incomprehensible, but the petitioner clearly refused to take the help of any counsel in the present case and accordingly, the petitioner No. 2 was heard at length. Further, in the written submissions, which were submitted by the petitioner No. 2 in the present case, an altogether new case has been set up by the petitioners.

3. The petitioner No. 2 submitted that petitioner No. 1 is owner of 08 acres of land and petitioners are dependent on earnings of the said land. It has been stated that Amrinder Singh Advocate Jalandhar, Sandeep Singh and their father Jagmohan Singh wanted to grab the land of the petitioners and a false agreement was prepared and a Court case was filed in this regard. Even, a false FIR was got registered against the petitioner No. 2. It has been stated that the petitioner No. 2 approached the Hon'ble Supreme Court and the case is pending for final arguments before the Hon'ble Supreme Court. Further, allegations have been levelled in the petition against Harwinder Singh Dhaliwal, brother-in-law of Jaswinder Kaur Dhaliwal, Phillaur. It has been alleged that Harwinder Singh Dhaliwal had taken the land of petitioner No. 1 on lease. The said lease agreement had expired on 02.06.2020, but even after vacating the land, not even a single rupee as lease money had been paid by Harwinder Singh Dhaliwal to the petitioners. Even, the trial Court

had clearly mentioned that the petitioners had to take a sum of Rs. 4.50 lacs from Harwinder Singh Dhaliwal and the petitioners had been granted an opportunity to recover their money. She further submits that Harwinder Singh Dhaliwal had the motive to grab the land of the petitioner No. 1 and even caused injuries to both the petitioners. Consequently, one FIR No. 413 dated 27.11.2017 under Sections 323, 354-A, 506, 148 and 149 IPC was registered at Police Station Phillaur against Harwinder Singh Dhaliwal. Further, another FIR No. 212 dated 29.07.2018 under Sections 323, 341, 506 and 34 IPC (Section 354 IPC deleted) Police Station Phillaur was registered against Harwinder Singh Dhaliwal. She further submits that several complaints had been moved by petitioner No. 1 in the shape of annexures P-6 to P-13 to various police authorities and it was requested that Harwinder Singh Dhaliwal may be directed to give the lease amount of Rs. 4.50 lacs to the petitioners. She further contends that even this Court had directed that the petitioner No. 1 is at liberty to recover the amount of Rs. 4.50 lacs from Harwinder Singh Dhaliwal. Still further, allegations have been levelled against the family members of Girish Gupta, Advocate of Jalandhar.

4. A detailed reply was filed by way of an affidavit of the Deputy Superintendent of Police, Sub-Division Phillaur, District Jalandhar on behalf of respondents No. 1 to 6 and the same was taken on record.

5. Learned State counsel submits that in the present case, the main allegation levelled by the present petitioner is that Harwinder Singh Dhaliwal, Sandeep Singh and Jagmohan Singh had tried to grab 04 acres of land of the petitioner No. 1 and they had also filed several criminal cases against them and had also filed some civil cases against them. Learned State counsel has referred to the following facts from the reply, which are reproduced as under:-

(i) The petitioner No.1,i.e.,Sharanjit Kaur has executed an Agreements to sell dated 04.02.2003 and 14.01.2005 in the favour of above-said Jagmohan Singh of her share in the joint property and her share came to be 29 Kanal and 8 Marlas located at village Panjdhera. Tehsil Phillaur, District Jalandhar at the rate of Rs 12 lakh and 25 Thousand per acre.

(ii) The above-said Jagmohan Singh paid some amount of money to the above-said Sharanjit Kaur at the time of execution of the above-said agreements, however, the above-said Sharanjit Kaur did not transfer the above- said property in the name of Jagmohan Singh.

(iii) The above-said Jagmohan Singh filed a Civil Suit for specific performance against the above-said Sharanjit Kaur at Civil Courts, Phillaur, District Jalandhar and the said civil suit was later on transferred at District S.B.S. Nagar.

(iv) Vide order dated 06.05.2014 passed by the Ld. Court of Civil Judge (Senior Division), SAS Nagar in the Civil Suit bearing No. 115-A of 2011, the above-said Jagmohan Singh was declined the relief of specific

performance, however, he was granted alternative relief of Rs 10 lakhs as recovery along with interest at the rate of 12 percent from the date of execution of the agreements to sell with the petitioner No.1 i.e. Sharanjit Kaur.

(v) The petitioner No.1 i.e. Sharanjit Kaur has filed an Appeal bearing No. CM-60-19 in the Learned Court of Additional District Judge, SBS Nagar and the same is pending before the Ld. Court.

(v) The petitioner No. 1 i.e. Sharanjit Kaur also filed a Civil Suit bearing No. CM-11-2019 in the Ld. Court of Additional District Judge, SBS Nagar and the same is pending before the Ld. Court.

(vi) The dispute between the petitioner No.1 Sharanjit Kaur and the above-said Jagmohan Singh is regarding the sale-purchase of the above-said property and civil litigation between the parties is pending in the concerned Ld. Court.

vii) The statement of Jaspinder Kaur Dhaliwal, Advocate (mentioned as Jaswinder Kaur Dhaliwal in the present petition) has been recorded by the Police wherein she Stated that she was hired as Advocate by Harwinder Singh in a case bearing No. CS/408/2017 titled as 'Harwinder Singh Vs Sharanjit Kaur' and the said case has been transferred at District Ludhiana and the above-said Harwinder Singh has changed his counsel.

viii) The Police found that FIR No. 212 dated 29.07.2018 U/s 323, 341,354,506, 34 IPC, Police Station Phillaur, District Jalandhar was registered by the petitioner No.2 i.e Gurcharanjit Kaur against the

son of the above-said Harwinder Singh namely Jobanpreet Singh and co-accused. The challan in the said FIR was filed by the Police in the Ld. Trial Court and the Trial is pending.

(ix) FIR No. 212 dated 29.07.2018 U/s 323, 341, 354, 506, 34 IPC, Police Station Phillaur was registered by the petitioner No.2 i.e Gurcharanjit Kaur against the accused persons 1) Jobanpreet Singh 2) Desh Raj, Both residents of Phillaur, District Jalandhar. The challan in the said FIR was filed by the Police in the Ld. Trial Court on 17.09.2018 and Trial is pending.

x) FIR No. 227 dated 17.09.2015 U/s 379 IPC, PS Phillaur, Jalandhar was registered by the petitioner No.2 against the unknown accused. The accused in the said FIR could not be traced by the Police and the cancellation report in the said FIR was filed by the Police in the Ld. Trial Court on 02.12.2016.

(xi) FIR No. 413 dated 27.11.2017 U/s 323, 354-A, 506, 148, 149 IPC, PS Phillaur, District Jalandhar against the accused persons i.e 1) Harvinder Singh 2) Jobanpreet Singh. The challan in the said FIR was filed by the Police in the Ld. Trial Court on 19.02.2018 and the Trial is pending.

6. That it is respectfully submitted that in view of the facts explained above, it has been revealed that the actual dispute between the petitioners and the above-said persons is regarding the above-said property, which has been found to be of civil nature since civil litigation between the petitioners and the above-said persons is pending in the concerned Ld. Courts”.

6. Learned State counsel further contends that in fact the actual dispute between the petitioners and all the persons referred in the present case is of civil nature and the civil litigation between the petitioners and the above mentioned persons is pending before the Civil Courts. Thus, the present petition deserves to be dismissed by this Court. Learned State counsel further submits that the petitioner No. 2 has criminal antecedents and the following criminal cases are pending against her:-

“(i) FIR No. 170/2008 U/s 452, 323, 427, 506, 294 IPC, PS City Phagwara. The challan in the said FIR was filed by the Police in the Ld. Trial Court on 01.12.2008 and the Trial is pending.

ii) FIR No. 217 dated 18.06.2019 U/s 3, 4 of SC and ST Act (Prevention of Atrocities), PS Phillaur, District Jalandhar. The challan in the said FIR was filed by the Police in the Ld. Trial Court on 04.01.2020 and the Trial is pending”.

7. I have heard the petitioner No. 2 in person as well as learned State counsel.

8. From the pleadings of the parties, it is apparent that by way of representations Annexure P-7 to P-13, the petitioner No.1 has submitted various complaints to police authorities to direct Harwinder Singh Dhaliwal to pay her lease amount of Rs. 4.50 lacs. In fact, lease of a property and the recovery of any lease amount is subject matter

of a civil dispute between the parties and the police can never be permitted to interfere in such a civil dispute, which is primarily civil in nature. Rather from the representations (Annexures P-7 to P-13), it is apparent that the petitioners wanted to involve the police in a purely civil matter as a pressure tactics and such misuse of process of law can never be permitted.

9. Apart from that, the petitioners have levelled allegations against Amrinder Singh Advocate Jalandhar, Sandeep Singh and their father Jagmohan Singh and it has been alleged that they wanted to grab 08 acres of the land of the petitioner No.1. Firstly, no khewat number, khata number, khasra number and revenue estate of any such land has been mentioned in the instant petition. Even, during the course of arguments, no evidence has been placed on record to show that the petitioner No.1 is owner of any such land measuring 08 acres. Further, the arguments raised by petitioner No. 2 are completely vague and in spite of repeated requests, no revenue document was provided by the petitioner No. 2 to the Court. Still further, it has been alleged that the above said three persons wanted to grab the land of the petitioner No.1, but they have not been impleaded as parties in the present case. Even, when civil matter was already *sub judice* between the different parties before the Civil Court, it is impossible for this Court to interfere, while exercising its jurisdiction under Section 482 Cr.P.C. Rather, it is apparent that the petitioner No. 2 is trying to take advantage of the pendency of the present petition before this Court,

just to pressurize the police authorities to take action against all the persons, who have been mentioned in the present petition.

10. Still further, it has also been alleged that the respondents had illegally detained the family of Girish Gupta Advocate of Jalandhar on 27.08.2018. Again, the alleged incident has no concern with the facts of the present case. Even, the petitioner No. 2 has wrongly mentioned several persons in the instant petition, just to mislead this Court as well as the police. Even, the pleadings are vague in the present case and are incomprehensible. Still further, from the reply submitted by the State of Punjab (which is reproduced above), it is apparent that the civil litigation between the petitioners and other persons mentioned in the petition is already pending before the competent Courts of law. Apart from that, the petitioners had got registered two FIR against Jobanpreet Singh and Desh Raj and trials are pending in the said two FIRs. Still further, one FIR No. 227 dated 17.09.2015 under Section 379 IPC Police Station Phillaur, Jalandhar was got registered by petitioner No. 2 against unknown accused and a cancellation report was filed by the police before the trial Court on 02.12.2016. Further, another FIR No. 413 dated 27.11.2017 under Sections 323, 354-A, 506, 148 and 149 IPC, Police Station Phillaur, District Jalandhar was registered against Harwinder Singh and Jobanpreet Singh. However, the trial is pending before the competent court of law in the said case also. Thus, from the submissions made by learned State counsel, it stands established that final reports of

investigation have already been presented by the police before the competent Courts of law in all the cases, which were got registered by the petitioners against the accused and there is no allegation that the trials are not proceeding as per law. Thus, it is established that all civil/criminal cases are being dealt with by Courts of law, in accordance with law and no fault on the part of any Court has been pointed by the petitioner No. 2 before this Court and it would be inappropriate for this Court to interfere, while exercising the jurisdiction under Section 482 Cr.P.C. Thus, it stands established that the present petition is totally misconceived and is an instrument of abuse of process of the Court.

11. Dismissed.

27.02.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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