

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-48017-2018

DATE OF DECISION: 24.09.2024

BANTA RAM

...PETITIONER

Versus

STATE OF HARYANA AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harsha Manocha, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 of Cr. P.C seeking quashing of the impugned Kalandra i.e. D.D No. 17 dated 18.09.2018 registered under section 145 Cr.P.C. Police Station PS, Cheeka Distt. Kaithal (Annexure P-6), along with all consequential proceedings.

Learned counsel for the petitioner has argued that he has been in possession of the disputed property and a related civil suit is ongoing, with a status quo order issued on May 20, 2015. The counsel also mentions that in April 2018, respondents No. 4 and 5 initiated proceedings under Section 145 Cr. P.C., but the Sub-Divisional Magistrate dropped the case after a report from the Tehsildar confirmed the petitioner's possession and the status quo order.

On a specific query, learned State Counsel could not controvert the aforesaid propositions and was fair enough to accept the assertions made by counsel for the petitioner as is also evident from



D.D No. 17 dated 18.09.2018 (Annexure P-6). It is ample clear that the allegations are same and pertains to the same land between the same parties. The report from the Kanogo dated 26.09.2018 (Annexure P-7) also corroborate the assertions made by counsel for the petitioner before this Court. Besides, it is worth noticing here that both the parties have also initiated a civil suit against each other qua the suit property for permanent injunction wherein the status quo order has been granted on 20.05.2015 as *‘Meanwhile both the parties are directed to maintain status quo regarding existing position over the suit land till then.’*

After perusal of the record, having given considerable thought to the contentions, in light of the Kanogo report dated 26.09.2018 as well as the fact that proceedings under Section 145 Cr.P.C. vide order dated 25.04.2018 (Annexure P-3) on same set of allegations already stands adjudicated by the SDJM Court wherein proceedings under Section 145 Cr.P.C. were ordered to be dropped, this Court deems it appropriate to quash the Kalandara i.e. D.D No. 17 dated 18.09.2018 as initiation of further proceedings on same set of allegations would be an abuse to process of law which is not permissible, hence, the impugned order is ordered to be quashed.

Petition stands allowed in the above terms.

(SANDEEP MOUDGIL)
JUDGE

24.09.2024
anuradha

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