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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 56792 of 2023(O&M)
Date of Decision: 10.01.2024

E SMART ENTERPRISES LTD

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. R.Kartikeya, Advocate,
for the applicant-petitioner.
.....

SANJIV BERRY, J. (ORAL)

CRM-48650-2023 and CRM-48652-2023

1. Learned counsel for the applicant-petitioner does not press the instant applications at this stage.
2. Dismissed as not pressed at this stage.

CRM-51246-2024

1. Instant application has been preferred under Section 482 Cr.P.C for placing on record additional affidavit of the petitioner along with Annexure P-17 and P-18.
2. Heard.
3. Keeping in view the averments made in the application and considering the submissions made by learned counsel for the applicant-

petitioner, the same is allowed and the additional affidavit along with Annexure P-17 and P-18 are taken on record subject to all just exceptions.

4. Disposed of.

CRM-51247-2023

1. Heard.

2. Keeping in view the submissions and averments made in the application, the same is allowed and the Additional Director General of Police, Ropar Range is ordered to be impleaded and substituted as respondent No.4 in place of Deputy Superintendent of Police, P.S. Sohana, Sector 79 Mohali.

3. Amended Memo of Parties is ordered to be taken on record.

4. Registry to tag the same at the appropriate place.

5. Disposed of.

CRM-M-56792-2023

1. The instant petition under Section 482 Cr.P.C. has been preferred by the petitioner seeking directions to the respondents not to harass the petitioner qua the complaints with respect to the civil issues regarding which the civil suits dated 29.05.2023 (Annexure P-3 and P-4) have already been instituted in the appropriate Civil Court.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner Company had taken the premises on rent from its owners and on account of the dispute having arisen qua the tenanted premises, the civil suits dated 29.05.2023 (Annexure P-3 and P-4) have been instituted in the Court of learned Rent Controller/Additional Civil Judge (Sr. Div) SAS

Nagar Mohali between the petitioner and the landlords/owners. It is submitted that during pendency of civil suits, the landlords/owners are indulging in filing false complaints against the petitioner in order to convert the civil dispute already sub-judice in the Additional Civil Court, (Sr. Division) at Mohali into a criminal forum, in order to harass the petitioner. The petitioner had made various representation to the respondents with the latest being to respondent No.2 Director General of Police Punjab, Chandigarh dated 26.11.2023 which has been marked to respondent No.4 the Additional Director General of Police Ropar Range but till date no action thereon has been taken. He submits that for the purpose of this petition, the petitioner will be satisfied, if, appropriate directions are accorded to the respondent No.4 to consider and dispose of the representation dated 26.11.2023 (Annexure P-18) in accordance with law in an expeditious manner, after giving opportunity of being heard to the petitioner and also taking note of the factum of civil litigation qua the same dispute pending between the parties.

3. Notice of motion.

4. On asking of Court, Mr. Sarabjit Singh Cheema, DAG, Punjab accepts notice on behalf of State.

5. Heard.

6. After considering the rival contentions and perusing the averments and also the limited request made by the learned counsel for the petitioner, the instant petition is hereby disposed of with a direction to respondent No.4 to consider and disposed of representation dated

26.11.2023 (Annexure P-18) in accordance with law after giving opportunity of being heard to the petitioner and also taking note of the aforesaid civil litigation qua the parties, in an expeditious manner. The decision so taken be also intimated to the petitioner.

(SANJIV BERRY)
JUDGE

10.01.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No