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

**CRM-M-4112-2025
Date of decision :04.02.2025**

Ram Kishan @ Ramkishan

.....Petitioner

versus

Daulat Ram Rawat and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Saurabh Sehoran, Advocate, for the petitioner.

Mr. Punit Verma, Advocate, for respondent No.1.

Mr. Kirpal Singh Thakur, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for setting aside the impugned order dated 24.03.2022 (Annexure P-4) passed by learned JMIC, Narnaul in a case FIR No.28, dated 09.02.2022, registered under Sections 148, 149, 186, 332, 353, 365, 379-B IPC, at Police Station Nangal Chaudhary, District Mahendergarh, whereby, the application moved by the petitioner for release of vehicle bearing No.RJ-32-GC-0170 on *superdari* has been dismissed and order dated 24.04.2024 (Annexure P-6) passed by learned Additional Sessions Judge, Narnaul, whereby the revision petition filed by the petitioner against the order dated 24.03.2022, has been dismissed.

2. Succinctly facts of the case are that on 09.02.2022 at about 3:00 a.m., officials of RTA office while checking the vehicles, saw two overloaded trucks coming from the front. They were signalled to be stopped. The drivers of both the vehicles stopped their vehicles, however, escaped from there by abandoning the same. Registration number of both the vehicles were found to be RJ 32GB 9596 and RJ 32GC 0170. The vehicles stopped were checked and were found to be heavily overloaded. Thereafter, the



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owners of the vehicles alongwith 4-5 persons came in another vehicle with sticks in their hands. They started pelting stones on the officials present there. Thus, obstructed the public servants from discharging their legal duties. The FIR was registered and the vehicles were confiscated. During the trial, two applications for *superdari* of the vehicle RJ 32GC 0170 were filed. First application was filed by the registered owner of the vehicle, namely, Daulat Ram (respondent No.1), whereas, second application was filed by the purchaser Ramkishan (petitioner) before learned JMIC, Narnaul. However, learned JMIC, dismissed the same vide impugned order dated 24.03.2022. Aggrieved by the same, petitioner and respondent No.1 assailed the order dated 24.03.2022 by way of filing their respective revision petitions before learned Additional Sessions Judge, Narnaul. Both the revision petitions were heard together by learned Revisional Court. However, learned Revisional Court dismissed both the revision petitions vide impugned order dated 24.04.2024. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner purchased the vehicle in question bearing registration No.RJ 32GC 0170 from its registered owner i.e. respondent No.1 vide agreement dated 22.09.2020 after paying Rs.1,25,000/- to respondent No.1 and remaining amount of Rs.21,90,240/- was to be paid to HDFC Finance in the shape of 24 EMIS of Rs.91,260/- per month. He submits that since the date of agreement, the vehicle was in possession of the petitioner. However, in FIR No.28 dated 09.02.2022, this vehicle was confiscated. He submits that during trial, the petitioner filed an application seeking possession of the vehicle on *superdari*



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and respondent No.1 also filed the similar application, however, both the applications were dismissed by learned JMIC vide impugned order dated 24.03.2022. He submits that thereafter, the revision petitions filed by the petitioner and respondent No.1 were also dismissed by learned Revisional Court vide order dated 24.04.2024. He at the outset has submitted that now both the petitioner and respondent No.1 have resolved their inter-se dispute by way of compromise arrived at between them. He has drawn the attention of this Court to the compromise dated 28.03.2024 and has submitted that as per terms and conditions of the compromise, both the parties have decided that the vehicle in question be released on *superdari* in favour of the petitioner. After compromise, every liability of the vehicle would be that of the petitioner and respondent No.1 would have no claim on the same. He, thus, submits that learned trial Court and that of learned Revisional Court have declined the *superdari* of the vehicle primarily on the ground that both the petitioner and respondent No.1 were claiming their respective ownership of the vehicle. However, when both the parties have amicably resolved the issue, the impugned orders deserves to be set aside and vehicle in question should be released on *superdari* to the petitioner.

4. Learned counsel for respondent No.1 has endorsed the submissions made by counsel for the petitioner. He has submitted that respondent No.1 has entered into compromise with the petitioner with his free will. He submits that respondent No.1 has no objection, if the vehicle is released on *superdari* to the petitioner in view of the compromise arrived at between them.

5. Learned State counsel has filed the status report by way of



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affidavit of Hardeep Singh, HPS, Deputy Superintendent of Police, HQ, Narnaul, District Mahendergarh. He has submitted that the vehicle in dispute was confiscated in FIR No.28 dated 09.02.2022, however, the impugned orders were passed as both the petitioner and respondent No.1, were claiming *superdari* of the same on the basis of the respective ownership. However, he submits that both the sides have now resolved their dispute by way of compromise arrived at between them.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the dispute involved in the present case is regarding *superdari* of the vehicle bearing registration No.RJ 32GC 0170. It is admitted by the petitioner and respondent No.1 that though the registered owner of the vehicle was respondent No.1, however, the same was sold by way of agreement dated 22.09.2020 to the petitioner. Both the parties have resolved their dispute by way of compromise. The impugned orders have been passed by the Courts below as both the sides were claiming ownership of the property but now as is evident from the compromise arrived at between the parties and the submissions made before this Court that there is no inter-se dispute between petitioner and respondent No.1.

7. In view of the compromise, respondent No.1 has pleaded no objection, if vehicle bearing registration No.RJ 32GC 0170 is released on *superdari* in favour of the petitioner. In view of the mutual understanding arrived at between by the parties, this Court finds that the impugned orders deserve to be set aside. Resultantly, the present petition is allowed and the order dated 24.03.2022 and 24.04.2024 are set aside and the vehicle bearing registration No.RJ 32GC 0170 is ordered to be released on *superdari* to the

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petitioner to the satisfaction of the trial Court, which will be free to impose any condition as it deems fit, on the petitioner, at the time of release of his vehicle on *superdari* in his favour.

04.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No