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

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CRM-M-13160-2025 (O&M)

Date of decision: 10.03.2025

Aarif**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

Mr. Arun Sharma, Advocate
for respondent No. 6.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking directions to the official respondents to take legal action against respondent No. 6, who has allegedly snatched JCB Machine of the petitioner and has also extended threats to him.

2. Learned counsel for the petitioner has submitted that since 29.11.2023, the petitioner had been working at the brick kiln owned by respondent No. 6. However, when on 23.06.2024, he asked for his pending dues, respondent No. 6, while hurling abuses to him, snatched his JCB machine and also extended threats to him and proclaimed that his money would not be given to him. The said JCB machine is still in possession of respondent No. 6. The petitioner has approached police authorities by moving applications (Annexures P-4 and P-5) but not action was taken thereon. It is further submitted that the petitioner is a poor person and his livelihood

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depends on the said JCB machine. Hence, it is urged that appropriate directions may be issued to the official respondents for releasing the said JCB machine.

3. On the other hand, learned Senior Deputy Advocate General, Haryana, assisted by learned counsel for respondent No. 6, who have advance notice of the petition, has submitted that on receipt of applications (Annexures P-4 and P-5) from the petitioner, the same were duly inquired into by the police concerned and it was found that the petitioner had worked at the brick kiln of respondent No. 6 with his JCB machine from 29.11.2023 to 23.06.2024. Respondent No. 6 had given some money in advance to the petitioner but the JCB machine of the petitioner had gone out of order on 23.06.2024 and, hence, the petitioner himself had left the same at the brick kiln of respondent No. 6. Subsequently, when respondent No. 6 requested petitioner to return his advance payment, then the petitioner had moved aforesaid applications against him by making false allegations. It was also found that no threat was ever extended by respondent No. 6 to the petitioner. It is submitted that the matter relates to a money dispute and no cognizable offence has been committed. A copy of the inquiry report has been placed on record.

4. After hearing learned counsel for the parties and going through the material placed on record, I am of the considered opinion that no case has been made out to issue any direction to the official respondents for initiating legal action against respondent No. 6 as the applications moved by the petitioner have already been filed. In view thereof, the present petition is

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disposed of as infructuous. The petitioner would be at liberty to take possession of his JCB machine as and when he thinks to do so.

5. The petitioner is granted liberty to avail his alternative remedies in accordance with law, if so advised.

10.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>