

**CRWP-4850-2023(O&M)****1**

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

112+252**CRWP-4850-2023(O&M)****Decided on:30.07.2025****Raj Rani****.....Petitioner****Versus****State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH****Present: Mr. S. S. Swaich, Advocate for the petitioner.**

Mr. Neeraj Madaan, Sr, DAG, Punjab
(appears on advance notice).

SANJAY VASHISTH, J.**CRM-W-993-2025**

i) Present application has been filed under Section 528 of BNSS, for placing on record copy of judgment and decree dated 06.02.2025, passed by learned Civil Judge (Junior Division), Patti, District Tarn Taran in case No.CS/361-2023, titled as, 'Raj Rani Vs. Bikramjit Singh and others' as Annexure P-9.

ii) For the reasons enumerated in the application, same is allowed and the judgment and decree dated 06.02.2025 is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

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1. Present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, seeking issuance of directions to respondents No. 1 to 4 to



protect the life, liberty, and property of the petitioner and her family, which is alleged to be under grave threat at the hands of respondents No. 5 to 19.

2. Learned counsel for the petitioner, Mr. S.S. Swaich, relies upon the ex parte judgment and decree dated 06.02.2025 passed in Civil Suit No. 361 of 2023, whereby, suit for permanent injunction filed by the petitioner was decreed ex parte. In the said decree, it has been categorically stated that ***“defendants are restrained from illegally and forcibly interfering and dispossessing the plaintiff from the plot measuring 06 Marlas 68 feet having M.C. No.293/11, situated within red dora of Ward No.15, Gali Dasaundha Singh Wali, Patti, Tehsil Patti, District Tarn Taran.***

It is, however, also noted in the decree that no declaratory relief has been granted in favour of the plaintiff.

3. Learned State counsel refers to paragraphs No. 8 and 10 of the status report dated 15.12.2023, the relevant portions of which read as under:

“8. That it is submitted that from the bare perusal of averments made in the present petition it is transpires that the petitioner is claiming she is owner in possession over the said plot bearing Khewat No.1090 and Khasra No.947 situated at Ward No.11 Patti, District Tarn Taran and on the other hand inhabitants and private respondents nos.5 to 19 are denying the same. In order to resolve the real controversy regarding the ownership of property in dispute, the relevant record pertaining to the plot bearing khewat No.1090 and Khasra No.947 situated at Ward No. 11 Patti



have been obtained from the Municipal Council Patti as well as Revenue department and further from the statements of inhabitants and as per the relevant record it is found that earlier there was a Mosque and thereafter, a Govt. School was shifted in the said mosque i.e. property in question but due to deteriorated/dilapidated condition of the building, the school was shifted to other place i.e. near Govt. Hospital, Patti, thereafter, all the inhabitants started to common use the same, but later on the petitioner took over the possession over the said vacant plot and when the inhabitants of the locality raised objection on it, then she got recorded said FIRs. However, as per record, the property in question/dispute is under the ownership of Punjab Wakf Board and entry in this regard duly incorporated in the Punjab Govt. Gazette as well as Jamabandi for the years 2013-2014. The copies of Punjab Govt. Gazette and report of Patwari Circle Patti-II dated 02.12.2023 are annexed herewith as Annexure R-1 and Annexure R-2/T for kind perusal of this Hon'ble court.

9. xxx

10. *That it is submitted that since both cases i.e. FIR No. 69 dated 06.05.2019 under section 447, 427, 506, 511 IPS PS Patti City and FIR no. 128 dated 03.08.2023 under section 447, 506, 427 IPC PS City Patti are relating the dispute of same property between the same parties, therefore, both the FIRs thoroughly investigated in fair and impartial manner and from the statements so recorded by the investigating enquiry officer as well as from the relevant record, it is revealed that the petitioner is trespasser and is in illegal possession over the property in question/ dispute and she has no any right, title or legally concern with the same. Rather, the property in question/ dispute is under the ownership of Punjab Wakf Board.*



Neither any private respondent commits mischief or cause loss or damage to the property in any manner nor commits criminal trespass as alleged by the petitioner. Further there is no any threat to the life of the petitioner. Accordingly, a detailed report was prepared by the SHO, PS City Patti and DSP Sub Division -Patti, District Tarn Taran, which was duly approved by the deponent on 11.12.2023. Now, the cancellation report in both FIR No. 69 dated 06.05.2019 under section 447, 427, 506, 511 IPS PS Patti City and FIR no. 128 dated 03.08.2023 under section 447, 506, 427 IPC PS City Patti have been prepared and likely to be presented in the Court of Illaqa Magistrate Patti in due course of law.”

4. Learned State counsel further submits that, on the basis of the complaint, criminal cases i.e. *FIR No. 69 dated 06.05.2019 under sections 447, 427, 506, 511 IPC PS Patti City and FIR no. 128 dated 03.08.2023 under sections 447, 506, 427 IPC, PS City Patti* were registered. A cancellation report was prepared, and upon its submission before the concerned Court, reinvestigation has already been ordered.

5. This Court has considered the contents of the petition, the status report, and the ex parte decree dated 06.02.2025 placed on record. It is apparent that the dispute is civil in nature. Moreover, the official respondents have already acted upon the complaints, by registering FIRs, which are now subject to the judicial scrutiny before the competent Court.

6. In these circumstances, this Court is of the view that no ground is made out to invoke the extraordinary jurisdiction under Article



226 of the Constitution read with Section 482 Cr.P.C., particularly when the petitioner has alternative remedies available in accordance with law.

7. Accordingly, present petition is dismissed.
8. However, it is clarified that the petitioner would be at liberty to avail any other appropriate remedy available to her under law.

(SANJAY VASHISTH)
JUDGE

July 30, 2025

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Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO