

316 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026-PHHC-018331



CRM-M-37096-2012 (O&M)
Date of Decision: 09.02.2026

GANGA RAM SHARMA ... PETITIONER
VERSUS
STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present- None for the petitioner.
Mr. Vijay Kumar, AAG Haryana.

H.S. GREWAL, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned judgment dated 03.08.2012 (Annexure P-6) passed by learned Addl. District Judge, Ambala and order dated 10.03.2010 (Annexure P-4) passed by learned Sub Divisional Magistrate, Ambala dismissing the complaint of the petitioner.

2. The case of the petitioner is that there exists a public street (*gali sar-e-aam*) adjoining his house as well as that of respondents No.2 to 6, which is being used by the residents of the locality and the general public. It is alleged that respondents No.2 to 6, in connivance with respondent No.1, have encroached upon the said street by constructing septic tanks and raising *tharas* above the street level, thereby causing obstruction and public nuisance. It is further alleged that no permission was granted by the competent authority for raising such construction.

3. The petitioner filed a complaint under Section 133 Cr.P.C. and a report was sought from the Municipal Council, Ambala City. As per the

report, the site in question was found to be a *kucha band gali* and not a

public street. It was further reported that the septic tanks were constructed during conversion of dry latrines into wet latrines in compliance with directions of the Hon'ble Supreme Court and that no obstruction to traffic or hazard to the public at large was found.

4. Relying upon the said report, the learned Sub Divisional Magistrate dismissed the complaint holding that no case of public nuisance was made out. The order was affirmed by the learned Additional Sessions Judge, Ambala, vide judgment dated 03.08.2012.

5. I have gone through the case file and perused the record.

6. Proceedings under Section 133 Cr.P.C. are summary in nature and are meant to address cases of imminent and apparent public nuisance affecting the public at large. The jurisdiction is not intended to adjudicate disputed questions of title or alleged encroachments of a civil nature.

7. In the present case, the competent municipal authority, after spot inspection, categorically reported that the site in question is not a public street but a *kucha band gali*. It has further been reported that the construction does not cause any obstruction or hazard to the general public.

8. In view of the above, no ground is made out to interfere with the impugned order dated 10.03.2010 passed by the learned Sub Divisional Magistrate, Ambala and judgment dated 03.08.2012 passed by the learned Additional Sessions Judge, Ambala. The same are upheld.

9. The present petition is, accordingly, dismissed.

(H.S.GREWAL)
JUDGE

09.02.2026

Janki

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