
(1983) 08 P&H CK 0094

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 2553-M of 1983

Gursangat Singh and anr.

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 25-08-1983

Acts Referred:

Citation : (1983) 08 P&H CK 0094

Hon'ble Judges : M.M.Punchhi, J

Advocate : Bachittar Singh, K.S. Sidhu Mr. R.M. Gupta, Ujagar Singh, Advocates for appearing Parties

Judgement

M.M. Punchhi, J. (Oral)

1. The petitioners approaching this Court under section 482 of the Code of Criminal Procedure are aggrieved against the order of Shri R.L. Anand, Additional Sessions Judge, Batala dated 5th March, 1983 whereby he permitted the learned Magistrate to continue proceedings under Section 145 of the Code of Criminal Procedure qua the land which was the subject matter of the preliminary order passed, except for land in khasra Nos. 1638 and 1647 which had been found by the Civil Court to be in possession of the petitioners.

2. The grouse of the petitioners is that it is not the case of the respondents that they ever were in exclusive possession of the land or any portion of it. It is, however, the admitted case of the parties that two parcels of land, one in village Sangotha and the other in village Jarout was owned by the parties in respective shares. In other words, they are cosharers in the said land. The grouse voiced by the petitioners would have carried some weight had there not been a judgment of the civil Court inter parties wherein the claim of the petitioners to be in exclusive possession of the entire land was negated except to Khasra Nos. 168 and 1647. At the same time, in the said Civil Court judgment, it has not been decided that the land other than in Khasra Nos. 1638 and 1647 was in exclusive possession of the respondents. Thus, a dispute had patently emerged coming within the ambit of section 145 of the Code of Criminal Procedure. The

Magistrate's having taken cognizance of the same and the Additional Sessions Judge, Patiala keeping the dispute permitted to be decided, was the rightful course, in the circumstances. I find no reason to cause interference thereto in exercise of powers under section 482 of the Code of Criminal Procedure. Accordingly, this petition fails and is hereby dismissed. Parties, through their counsel, are directed to put in appearance before the learned Magistrate on 19.9.1983.