

**(1999) 03 P&H CK 0010**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. 24109-M of 1997

Amrik Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** March 5, 1999

**Citation:** (1999) 123 PLR 426

**Hon'ble Judges:** K.K. Srivastava, J

**Bench:** Single Bench

**Advocate:** H.N.S. Gill and S.S. Randhawa, D.A.G, for the Appellant; B.R. Mahajan and Sanjeev Dhiman, for the Respondent

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**Judgement**

K.K. Srivastava, J.

The petitioner seeks issuance of a direction for registration of F.I.R. relating to the disputed shops. It is alleged that respondents No. 4 and 5 took illegal possession of the said shops. A civil suit for permanent injunction was filed in the civil Court of competent jurisdiction in respect of the said shops. The civil suit was, however, dismissed for default vide order, copy Annexure P-2. The respondents No. 4 and 5 were impleaded in the said civil suit as defendants No. 2 and 3. Defendant No. 1 and 2 filed written statement in the civil suit and in para 4 thereof, reference was made regarding the civil suit having been filed in respect of the disputed property. A copy of the report of the Local Commissioner was also annexed, which is Annexure A-3.

2. During the course of arguments, it was mentioned by learned counsel for respondents No. 4 and 5 that the restoration application is already pending before the civil Court, in which prayer has been made for restoration of the civil suit, which was dismissed for default. It will, thus, appear that the matter is still pending in the Civil Suit, in which the disputed rights are under the guise of civil Court. Since the matter is pending in the civil Court, it will not be appropriate to ask the police to intervene in the matter as eventually the rights will be finally decided in the civil suit. Even otherwise, the petitioner has remedy of approaching the learned Magistrate by filing a complaint case and that Court is expected to take appropriate action on the

material and evidence led before it and the said Court can also issue a direction for registration of F.I.R. on the basis of the criminal complaint and ask for investigation.

Be that as it may, in the facts and circumstances of the case, I deem it appropriate to dispose of this petition by relegating the petitioner to his remedy, as indicated above.

Disposed of accordingly.