

09.04.2026.

Present:- Sh. Anil Kaundal, Adv. for the applicant.

This is a complaint filed under Section 175(3) BNSS by the complainant seeking direction to the Police Station, Barotiwala for registration of FIR under Sections 303(1), 303(2), 323, 324(1), 329(1) & 329(3) of BNS and Section 42 of Indian Telegraph Act alleging therein that a Ground Base Tower and ancillary equipments worth Rs. 20,38,653/- located at khasra No. 1293, village Dosora Majra, Tehsil Baddi, were found dismantled and stolen on 28.05.2025. The complainant asserts that despite approaching the police and Superintendent of Police as well, no action was taken.

On put to the notice, SHO, P.S. Barotiwala filed the status report on 03.10.2025 stating therein that the land in question is owned by Sh. Jeet Ram. During investigation, it was found that mobile tower company had failed to pay the agreed rent since 2014-15. It was also found that during the months of June-July, 2025 the tower has become structurally unstable and was leaning dangerously, posing a threat to life and property. The land owner attempted to contact the company representative one Mr. Subhash, who reportedly did not respond and to avert a mishap, Jeet Ram (the land owner) engaged labour to dismantled the tower and its components were found stored safely within the fenced boundary of the same premises. The status report also find mention that the generator and shelter mentioned in the complaint were not found on the spot.

Considering the averments made in the application and the status report filed on behalf of police, it is clear that a theft alleged by the complainant appears to be a result of a long standing civil dispute regarding non payment of rent. The police report also clearly indicates that the tower was dismantled by the land owner due to safety hazard caused by the complainant's own negligence in maintaining the structure and the essential element of dishonest intention to take property out of the possession of other is missing. In other words, the matter is purely civil in nature arising from a breach of terms of the lease agreement and the criminal machinery cannot be set into motion to settle civil dispute. Accordingly, present application is hereby dismissed with no order as to costs. Application stands disposed of.

After doing needful, be consigned to the record room.

Announced.

(Ajay Kumar)
ACJM, Nalagarh.