

Bhaji Devi and others versus Krishan
Lal and others

Cr.MMO No.75 of 2025

17.02.2025 Present: Mr. Gurmeet Bhardwaj, Advocate for the
petitioners.

Cr.MMO No.75 of 2025

Heard.

Let notice be issued to respondents No. 1
to 6, returnable in four weeks, on taking steps
within three days.

Cr.MP No. 426 of 2025

Heard.

Notice in aforesaid terms.

2. Instant application has been filed under
Section 528 of the Bharatiya Nagarik Suraksha
Sanhita, for staying the operation of Impugned
Order dated 20.07.2024 [*Annexure P-2*], passed
by Learned Additional Sessions Judge Sarkaghat,
[Camp at Joginder Nagar] in Criminal Revision
No. 11 of 2021 *and* orders dated 24.02.2021
[*Annexure P-1*] passed by Sub Divisional Magistrate,
Joginder Nagar, in Complaint No. 26, dated
25.09.2020, under Sections 145/147 of the Code
of Criminal Procedure *and* resultant notice dated
10.02.2025, [*Annexure P-14*].

3. Case set up by Learned Counsel for petitioner is that respondents No. 1 to 6 herein filed a Complaint No.26, dated 25.09.2020, under Sections 145/147 of Cr.P.C before Sub Divisional Magistrate Jogindernagar, which was decided on 24.2.2021, [Annexure P-1], directing the petitioners- Bhaji Devi, Ranveer Kumar and Shubham Kumar herein, to remove obstruction and by directing that road be made open for public use.

4. Feeling aggrieved against the orders dated 24.2.2021, [Annexure P-1], passed by Sub Divisional Magistrate Joginder Nagar, the petitioners filed a Criminal Revision No. 11 of 2021, on 6.3.2021 [Annexure P-12], with specific averment in Para 4 that the Sub Divisional Magistrate had passed orders in violation of principles of natural justice, and without hearing petitioners, and without affording an opportunity to lead evidence/cross-examine witnesses and other contentions but without considering these specific averments; Learned Additional Sessions Judge Sarkaghat has decided the Revision Petition [Annexure P-12] vide orders dated 20.07.2024, [Annexure P-2], by

dismissing same. In backdrop of Paras 3 & 4 supra, it is contended that Impugned Orders dated 24.02.2020 [Annexure P-1], passed by Sub Division Magistrate and the orders dated 20.07.2024, [Annexure P-2], passed by Revisional Court is perverse and the same has resulted in prejudice to petitioners.

5. Taking into account the entirety of facts and circumstances and the contentions raised hereinabove, this Court, this Court is of the considered view, that interim protection needs to be accorded to the petitioners, at this stage.

Accordingly, this Court directs the parties herein, including respondents to maintain *status quo*, as on day, and by restraining the respondents or State Officials not to take any coercive action against petitioners, on the basis of the Impugned Order dated 20.07.2024, *Annexure P-2*, till the next date of hearing.

List the matter, before appropriate Bench, on **19th March, 2025**.

Cr.M.P. No. 426 of 2025

Instant application is for seeking exemption from filing English translation of

Annexures P-3, P-4, P-6, P-8, P-9 and P-10.

In view of the averments made in the application, exemption is granted, with the rider that in case, documents are necessitated by this Court, the same shall be filed within one week.

Application stands disposed of.

(Ranjan Sharma)
Vacation Judge

17th February, 2025
(himani)