

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

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CRM-M-35130-2013

Date of Decision: October 1, 2015.

MOHD. RAFIK

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: None for the petitioner

Ms.Harpreet K.Athwal,DAG, Punjab

M.M.S.BEDI, J.(Oral)

This is a petition under Section 482 Cr.P.C. seeking a direction to respondent Nos.1 to 5 to take appropriate action in accordance with law against respondent Nos.6 to 23, alleging that they had illegally entered in the burial ground and had taken steps to attempt to forcibly take possession of the Shamlat land. There are allegations that accused persons has destroyed house of Dera and burnt Holy Book (Quran Sharif).

In reply, it has been brought to the notice of the court that FIR No.94 dated 08.09.2013 stands registered at Police Station Amloh, on the basis of the statement of the petitioner against 14 persons i.e. respondent Nos.6 to 18. Few of the persons alleged to be accused having committed the offence, were declared to be innocent.

Challan has already been presented in this case. After presentation of the challan, charges have already been framed and the case is stated to be at the stage of recording of the evidence.

On instructions of Head Constable Jaspal Singh, State counsel informs that the petitioner has not yet appeared as witness.

Taking into consideration the totality of the circumstances, I am of the opinion that since the petitioner has already set in motion the process of law by lodging complaint with the State authorities and action in accordance with law has already been taken, the circumstances of the present case do not warrant any further direction to the official respondents. This petition deserves to be dismissed without prejudice to the rights of the petitioner under Section 319 Cr.P.C. or any other provision of law.

So far as the prayer for protection of life and liberty of the petitioner and his family members, is concerned, it is, however, directed that in case of any threat to the petitioner or his family members, it will be open to him to approach the Senior Superintendent of Police, Fatehgarh Sahib expecting that their rights under Article 21 of the Constitution of India would be protected.

Disposed of with the above observations.

October 1, 2015
TSG

(M.M.S.BEDI)
JUDGE