

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

Crl.Misc.No.M-9275 of 2015 (O&M)

Date of decision : 23.3.2015

Bharat Singh

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Bhupiner Banga, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

This is a petition with a prayer that adequate protection be granted to him on account of the threats being meted out by respondent No.4 with whom the petitioner is already having a dispute. The petitioner has already registered an FIR where respondent No.4 is involved. A counter FIR and a complaint filed by respondent No.4 were found to be incorrect. It is now the case of the petitioner that he is being prevented from entering the court premises in order to depose against respondent No.4 and is threatened with dire consequences in the eventuality of his not settling the issues with the said respondent. It has further been alleged that the said respondent has been entering the house of the petitioner without any authority.

On due consideration of the matter, I am of the opinion that in case the petitioner is prevented from pursuing the trial of respondent No.4, he would have a remedy to apprise the learned trial court in this regard. It is the duty of the trial court to evaluate such grievance of the petitioner and ensure that proper opportunity is given to him to appear before the court. The court can also consider this to be an obstruction in the course of trial by the respondent No.4 and thus empowered to take appropriate steps in this regard to prevent such an abuse. In case there is any other evidence where respondent No.4 has transgressed the law, the petitioner would have a remedy to file a complaint before the Magistrate under Section 156(3) Cr.P.C. if the police has failed to register an FIR.

In view of the above efficacious remedies already available to the petitioner, I am of the considered view that resorting to the provisions of Section 482 Cr.P.C. for the prayer made in the petition would not be a feasible course.

Petition disposed of.

23.3.2015
dss

(MAHESH GROVER)
JUDGE