

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

CRM No.M-16277 of 2016 (O&M)

Date of decision: 09.11.2016

Surinder Kumar Mittal and another

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.L. Chander Shekhar, Advocate for the petitioner(s).

Mr. Naveen Kaushik, Addl. A.G., Haryana

Mr. Ashwani Gaur, Advocate for respondent Nos.6 to 11.

Jitendra Chauhan, J. (Oral)

By way of present petition, the petitioners have sought issuance of directions to respondent Nos.2 to 5 to protect the life, liberty and property of the petitioners at the hands of respondent Nos.6 to 11; to respondent Nos.1 to 5 to investigate the matter in case FIR No.587 dated 18.09.2015 registered under Sections 426, 448, 454, 380 and 506 IPC read with Section 34 IPC, at Police Station Samalkha, District Panipat from some independent agency or CBI; to take action against respondent Nos.6 to 11 for throwing out the petitioners from the partnership deed of the ancestral firms and to get forcible possession of the share of the petitioners.

The learned counsel for the petitioners states that respondent

Nos.6 to 11 had executed a forged partnership deed between respondent Nos.6 to 9 and the petitioners have been ousted from the said partnership deed. Thereafter, respondent Nos.6 to 11 had started to harass the petitioners, giving threats to eliminate them and started making thefts in their business firm. Local police is not stopping respondent Nos.6 to 11 for their illegal act as they are politically influential persons.

Reply on behalf of the respondent-State has been filed in the Court, same is taken on record.

The learned State counsel submits that on the application moved by petitioner No.1-Surinder Kumar Mittal, police has lodged the FIR No.587 dated 18.09.2015 and has submitted the report under Section 173 Cr.P.C. before the Court on 05.04.2016, in which the accused have been facing trial before the Court of learned Sub Divisional Judicial Magistrate, Samalkha and same is fixed for 18.11.2016.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

On the application of petitioner No.1, abovesaid FIR was lodged and challan has been filed and the case is fixed for 18.11.2016 before learned Sub Divisional Judicial Magistrate, Samalkha. Further, as per the reply, after investigation and re-investigation, the petitioners never reported to the police regarding having any danger to their lives at the hands of the accused persons. Considering the fact that police has already submitted its report under Section 173 Cr.P.C. and the case is pending

adjudication before learned Sub Divisional Judicial Magistrate, Samalkha for 18.11.2016, no case is made out to grant the relief sought by the petitioners. Accordingly, the present petition is dismissed.

However, anything said hereinabove shall not be construed as an expression of opinion on the merits of the case.

09.11.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No