

129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-18543 of 2016 (O&M)
DECIDED ON: MAY 25, 2016

PARDEEP KUMAR @ PARDEEP & ANOTHER

....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. D.K. Bhatti, Advocate
for the petitioners.

JASPAL SINGH, J

CRM No. 17413 of 2016

Application is allowed, as prayed for.

CRM No. M-18543 of 2016

Instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of Kalendra (Annexure P-10) dated May 08, 2015 filed by respondent No.4 with further direction to respondents No.2 and 3 not to harass the petitioners at the instance of respondents No.5 to 8 and to protect the lives and liberty of the petitioners at the hands of respondents No.4 to 8 with further

direction to respondent No.1 to depute a gazetted officer to enquire into the representations as well as Kalendra (Annexure P-10).

2. The contention of learned counsel for the petitioners is that the impugned Kalendra (Annexure P-10) is nothing but an abuse of power and has been imposed upon the family of the petitioners, as they had raised voice against the in action of the police authorities despite the supply of MLRs of the petitioners. In fact, petitioners have never misbehaved with respondent No.4. The entire story propounded by respondent No.4 is concocted one. No prudent person will ever believe that the simple old age citizens will misbehave in the manner unfolded in the Kalendra (Annexure P-10) that too, before the police authorities. In fact, respondent No.4 is biased and discriminating the petitioners. The Kalendra (Annexure P-10) is nothing but an abuse of process of law and is liable to be set aside.

3. This court has given a deep thought to the submissions made by learned counsel for the petitioners but find the same to be without any substance.

4. Undoubtedly, an application was moved to SHO, Police Station Division No. 3, Ludhiana by Nancy wife of Sahil alleging that her mother-in-law and her younger son Suraj Kumar are causing harassment to her. They also quarrelled with her and proclaimed that she would be shunted out of the house. The said application was marked by SHO to ASI Amarjeet Singh-respondent No.4 to investigate the matter. Pardeep Kumar, Suraj Kumar and Madhu Kumari as well as Nancy were called in the police station. Pardeep Kumar etc started quarrelling with Nancy. Even, on the intervention of respondent No.4,

Pardeep Kumar etc. pounced upon Sahil and Nancy. Meanwhile, Madhu Kumari slipped away from the police station. Though, respondent No.4 tried his level best to pacify Pardeep Kumar etc. but they got annoyed. On seeing the breach of peace he arrested Pardeep Kumar and Suraj Kumar and proceeded against them under Section 107/151 Cr.P.C. and lodged them in the police lock up. In view of specific allegations levelled by respondent No.4, it cannot be said that initiation of proceedings under Section 107 and 151 Cr.P.C. is an abuse of process of law. Rather, it can be said that petitioners took the law into their hands that too, in the premises of police station in the presence of police officials.

5. Thus, this Court is of the considered view that the allegations unfolded in the Kalendra (Annexure P-10) cannot be said to be false or wrong at this stage. Moreover, the defence taken in the instant petition can only be established by the petitioners during the proceedings pending under Sections 107 and 151 Cr.P.C. before the concerned Magistrate.

6. Finding no merit in the instant petition, the same is dismissed. However, petitioners shall be at liberty to take all the pleas taken in the instant petition before the concerned authority. Any observation made in this order shall have no bearing on the proceedings.

MAY 25, 2016
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(JASPAL SINGH)
JUDGE