

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33502 of 2015

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Date of decision:11.4.2016

Balbir Kaur

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. L.M. Gulati, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

Mr. Sunil Nehra, Advocate for respondents No.4 and 6.

None for respondent No.5.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. with a prayer for issuance of appropriate directions to respondents No.1 to 3 to protect the life, liberty and property of the petitioner at the hands of respondents No.4 to 6 as respondents No.4 to 6 are a group of people, who are money lenders and are a part of land mafia of District Amritsar and are threatening the petitioner and her only son of killing and cause loss to the life and property and to dispossess the petitioner from her house.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of respondent-State and Mr. Sunil Nehra, Advocate has appeared for respondents No.4 and 6.

I have heard learned counsel for the parties as well as learned Assistant Advocate General, Punjab and have gone through the record.

From the record, I find that first of all as regards the protection to the property of the petitioner, she can avail the remedy by way of filing civil suit etc. and it has been brought to my notice at the time of arguments that civil suit asking for permanent and mandatory injunction directing the defendants to return the blank cheques which were given as security towards the loan, has already been filed by the present petitioner, which is pending. A prayer has also been made in that suit for restraining the defendants from getting the mutation sanctioned in their names and also from taking the possession of land measuring 38 Kanals 8 Marlas.

As the matter regarding the property is already pending before the civil Court, therefore, no relief is to be given in this petition filed under Section 482 Cr.P.C. qua the property.

As regards the threat to the life and liberty of the petitioner and her son, I find that there is no DDR placed on the record to show any occurrence. No attack on the petitioner or her son by the private respondents has been held nor there is anything to show that any attempt was made to cause injuries etc. Civil litigation regarding the property is already pending before the civil Court. It has been mentioned in the petition that threat was given to the petitioner, but no particulars qua the threat have

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been mentioned in the petition nor at the time of arguments the particulars have been mentioned on which date, month or year who gave the threat and at which place etc. Otherwise also, the petitioner has concealed the material facts regarding pendency of the civil litigation etc. in this petition.

Therefore, from the above, I find that the petitioner has failed to show the threat to the petitioner. Therefore, finding no merit in the present petition, the same is dismissed.

April 11, 2016.

(Inderjit Singh)
Judge

hsp