

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

CRWP No.397-2016

Decided on:-09.12.2016

Madhu Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rameshwar Sharma, husband of the
petitioner in person.

Mr.Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

On the basis of complaint submitted by petitioner Madhu Sharma that her husband Rameshwar Sharma has been illegally detained by the police, the present petition was numbered.

Reply on behalf of respondent-State of Haryana, by way of an affidavit of Om Parkash, HPS, Dy. Superintendent of Police, Ganaur has already been filed. As per the reply, the allegation levelled by Madhu Sharma against SHO P.S. Kundali and other staff, are absolutely incorrect and Rameshwar Sharma(husband of the petitioner) was not illegally detained on 13.03.2016 as alleged by the complainant/petitioner-Madhu Sharma. Reply further suggests that Madhu Sharma and her husband Rameshwar Sharma are in the habit of filing such complaints against the police and Administrative Authority with ulterior motive and besides the present petition, earlier also the petitioner has filed a Criminal Writ Petition No.588 of 2016 titled as “Madhu Sharma Vs. State of Haryana”

and the same has been dismissed by this Court vide order dated 12.05.2016. Even, husband of the petitioner-Rameshwar Sharma has filed a contempt petition i.e. COCP No.1359 of 2008(O&M) titled as “Rameshwar Sharma Vs. Sarwan Kumar” and the said petition was dismissed by this Court vide order dated 30.07.2009 with cost of Rs.10,000/-.

The alleged detainee-Rameshwar Sharma, who is present in Court today has also filed counter affidavit to the reply submitted by the State and has denied that the petitioner is in habit of making false complaints.

I have heard learned counsel for the parties.

The order passed in the said contempt petition reads as under:-

“The present contempt petition has been filed by the petitioner for initiating action against the respondent for contempt of this Court for disobeying the order dated 11th June, 2008 passed by this Court in CWP No.10749 of 2008.

As per the averments made in this petition, the petitioner was apprehending danger to his life and liberty and therefore he approached this Court by filing the aforesaid writ petition which was disposed of as under:

“In view of the above circumstances, I direct respondents to provide two armed constables for security purposes of the petitioner and the petitioner will bear their salaries and other expenses as meant for such constables. The salary shall be deposited with the office of DGP(Crime), who will in return deposit the same in the treasury. He will also intimate the other expenses, which are payable to such constables under rules. These expenses shall be deposited by the petitioner along with

salary before 7th of every month. This procedure shall remain in operation for a period of three months initially and thereafter, a report shall be filed by the police before this Court to review the further situation.

List on 25.02.2009.”

It is alleged in this petition that in spite of the aforesaid directions the respondents have not provided him the protection as ordered by this Court.

In reply to the show cause notice issued by this Court, reply was filed by the respondent on 10.11.2008, wherein it was submitted that the petitioner was being provided adequate security and there was no danger to his life and liberty as well as his family members. Another status report was filed by the respondent with regard to providing security to the petitioner in which it had been submitted that total expenses of two constables for one month as prescribed by Home Secretary vide his letter dated. 25.06.2003 were calculated which comes to Rs.87,300/- per month. Petitioner was intimated in writing to deposit the same in the office of Director General of Police, Haryana, Panchkula, so that he may be provided two constables from Sonipat District as per the directions of this Court. In this regard, the intimation was received by the petitioner on 25.12.2008 but no money was deposited by him. He was also sent a notice in this regard by Speed Post on 20.01.2009. However, the petitioner had failed to deposit any money.

Learned counsel appearing on behalf of the State has also stated that till date no money has been deposited by the petitioner for availing the security.

Thus, I do not find any merit in this petition.

Dismissed with costs of Rs.10,000/-.

Rule discharged.”

The alleged detainee-Rameshwar Sharma, is present in Court, therefore, the very prayer made by the complainant-Madhu Sharma, no more survives for the reasons that her husband is not in the illegal police custody. Moreover, this Court cannot ignore the fact that the petitioner is a chronic litigant and is in habit of making such complaints. In Criminal Writ Petition No.588 of 2016, it is the specific stand of the respondent-State that as many as 114 complaints were filed by the petitioner, though the petitioner has tried to disown the said fact.

Be that as it may, this Court finds that filing of present petition is nothing but an attempt to pressurize the police authorities for obvious reasons.

Therefore, no further orders are required to be passed in the present petition and the same is hereby dismissed.

09.12.2016

Anjal

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No