

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

CRM No.M-10194 of 2017 (O&M)

Date of Decision: April 17, 2017

Parmeet Singh Bedi

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kanwaljit Singh, Senior Advocate with
Mr.Ajaivir Singh, Advocate
for the petitioner.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for directing respondents to immediately provide the security and protection to the life, liberty and property of the petitioner, to register the FIR and to investigate the matter in pursuance to the provisions of Section 173 Cr.P.C. and Article 21 of the Constitution of India.

Notice of motion was issued. Learned State counsel appeared, filed reply and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the petitioner has placed on record

the FIR bearing No.67 under Sections 307, 323, 34 IPC read with Section 25 of the Arms Act registered at Police Station Dera Baba Nanak, Police District Batala, which is dated 09.08.2005 Annexure P-1. Annexure P-2 is the copy of the reply filed by Deputy Superintendent of Police in CRM No.44544-M of 2005. Annexure P-3 is the report regarding letter No.24405-06/SB dated 25.11.2005. Annexure P-4 is the copy of the charge-sheet framing the charges against Nirmal Kumar, Rajesh Kumar, Mohinderpal and Lakhwinder Kumar in case FIR No.13 dated 15.03.2014 under Sections 420, 467, 468, 471 and 120-B IPC.

The perusal of these documents shows that firstly Annexures P1 to P3 relates to the FIR of the year 2005 and also regarding filing of criminal misc. petition in the year 2005. Annexure P-4 is the charge-sheet not for the offences of any injury or threat to kill etc., rather, it is only under Section 420, 467 IPC etc. If the petitioner has any threat to his property, he can file the civil suit asking for the injunction etc. and on this ground, no security can be provided.

Annexure P-6 is copy of the representation given by Harpal Singh clerk of the petitioner but Harpal Singh is not the petitioner in the present case. Now coming to Annexure P-5 another document, it is only the representation given by Parmeet Singh Bedi to SSP Gurdaspur. The title of this representation was regarding taking legal action against accused Lakhwinder Kumar, Rimal Kumar, Mahinderpal and Rajesh Kumar and for protection life and liberty and for providing security. The perusal of this representation shows that there is dispute qua some palace Yuvraj Garden, Dera Baba Nanak and it is mentioned that on 12.03.2017, above mentioned

illegally took possession of two shops and blocked the passage after breaking the locks and put their own locks on the gate installed on the passage towards the rented shops of Idea Tower and Reliance Tower and Lakhwinder Singh gave threat to Aswani Kumar to take away his articles, otherwise, he will demolish it with JCB Machine and also gave threats to other tenants to vacate the shops. It is also in the representation that five years earlier also the above-said persons illegally tried to take the possession of the above-mentioned shops. It is further stated that above-said persons have attacked the complainant by trespassing his house. It is also the allegation that the accused have prepared false agreement to sell qua which FIR has been got registered against them and challan has already been presented.

The perusal of these averments show that there was no serious threat to the life and liberty of the petitioner. Whatever happened, that happened 4-5 years back and this also looks to be a property dispute for which civil remedy lies, if there is any dispute regarding the ownership of the property.

It is further stated in the representation (Annexure P-5) that on 14.03.2017, above-mentioned accused persons came to know that complainant is present in the office of Municipal Council, Dera Baba Nanak and then they armed with *kirpans*, baseball bats along with 30-40 persons came in the shape of mob at the office of Municipal Council but he had already left that place and then these persons broke the complainant's chair of President and name plate and applied ink on it.

The perusal of the representation shows that no specific

present petitioner nor any specific instance has been mentioned as to whether any person on specific date and time has given any threat to kill the petitioner. No such DDR has been placed on the record.

Learned counsel for the petitioner relied upon the Resolution (Annexure P-7) of the Bar Association, Batala, regarding threat to Parmeet Singh Bedi, Advocate, in his chamber by Lakhwinder Kumar, Nirmal Kumar, Jaswant Singh and one unknown person. In the resolution also, there is nothing that on which date and month, threat was given. In the reply, it is specifically stated that on enquiry, no such incident was found to have occurred. It is specifically mentioned in the reply that the petitioner is not having any threat from the above-said persons and has only filed the complaints/representations in order to get protection for his pomp and show.

Keeping in view the above discussion, I find that there is no serious threat to the life and liberty of the present petitioner.

As regarding registration of the FIR against the accused persons, I find that it is settled proposition of law that when the alternative remedies are available, then the petition under Section 482 Cr.P.C. cannot be entertained in routine as held by the Hon'ble Supreme Court in **Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392.**

Therefore, finding no merit in the present petition, the same is dismissed.

April 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No