

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

CRM No. M-10901 of 2017 (O&M)

Date of Decision: 30.03.2017

Rana Chawla & another

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pardeep Bajaj, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J.

Counsel for the petitioners has been heard at length and the case paper book has been perused.

Prayer in the instant petition filed under Section 482 Cr.P.C. is for issuance of directions to the official respondents to protect the life and liberty of the petitioners by voicing an apprehension to the same at the hands of the private respondents. Further prayer is for directing the official respondents to keep in abeyance and withhold the inquiry proceedings as regards complaint dated 06.12.2016 (Annexure P-15) that is stated to have been moved by the private respondents herein against the petitioners.

Suffice it to notice that the petitioners and the private respondents apparently entered into an agreement dated 24.10.2013 at Ludhiana and in terms of which the private respondents were to take over a project of setting up a residential colony over a piece of land measuring 8 acres approximately stated to be under the ownership of the petitioners.

It is the case made out by counsel appearing for the petitioners

that the private respondents have failed to discharge the obligations arising out of such agreement dated 24.10.2013. It is further contended that under such situation, even a civil suit has been instituted by the petitioners seeking cancellation of the agreement as also other attendant proceedings/agreements.

Pleadings on record would also indicate that private respondents to the contrary have raised allegations against the petitioners herein and have lodged a complaint dated 06.12.2016 against the petitioners and the matter is stated to be under investigation.

Counsel would argue that the petitioners are being unnecessarily harassed as the complaint of the private respondents stands marked to respondent Nos.4 and 5 and who are acting at the behest of two senior serving police officials of the State of Punjab and who in turn have a stake/interest in the project which was subject matter of the agreement dated 24.10.2013.

Strangely, even though such assertion has been made by counsel during the course of arguments, there are no averments in the petition to substantiate such contention.

In the considered view of this Court in the petition of the like filed under Section 482 Cr.P.C., the contractual obligations emanating from an agreement dated 24.10.2013 entered between the petitioners herein and the private respondents is not to be gone into.

Be that as it may, protection of life and liberty would certainly be viewed as a fundamental right.

The instant petition even lacks the necessary averments as regards threat perception to life and liberty of the petitioners.

Under such circumstances, while declining to interfere in the instant petition, liberty is granted to the petitioners to approach respondent No.3 i.e. Commissioner of Police, Ludhiana as regards their grievance and apprehension confined to protection of their life and liberty. In the eventuality of any such representation being preferred, respondent No.3 would be obligated to examine the same and thereafter to take steps as he may deem fit and as warranted in accordance with law.

Disposed of.

30.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |