

CRM-M-25171 of 2017

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

CRM-M-25171 of 2017

Date of Decision: 17.07.2017

Konark Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. M.K. Dogra, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

In the instant petition, under Section 482 Cr.P.C., petitioners have sought issuance of appropriate directions to respondents No.2 and 3 to protect their life and liberty and also to direct respondent No.3 not to harass, threat and falsely implicate the petitioners in criminal case, particularly in FIR No.50 dated 11.02.2014 (Annexure P-2) under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Civil Lines, Amritsar.

Learned counsel for the petitioners contends that petitioners had purchased the shops bearing both Nos.19 to 22 situated at Kennedy Avenue, Amritsar, in an open auction conducted by the bank and, thus, are the rightful owners of the property, allegedly, mortgaged by one Ajit Singh and Pavijit Singh against availing loan facilities and cash credit limit. Subsequently, petitioners came to know that the aforesaid property purchased by them in open auction had already been sold by Ajit Singh borrower fraudulently vide illegal sale deed dated 31.12.2012 in favour of respondent No.4. Therefore, the petitioners filed a civil suit to declare the sale deed dated 31.12.2012 as illegal, null and void, having no binding

effects upon them. Respondent No.4 has lodged the aforesaid FIR against

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borrowers, namely Ajit Singh, Pavijit Singh and four other persons for defrauding and cheating him. They have already been charge-sheeted by the trial Court at Amritsar vide order dated 03.10.2015. Since the petitioners purchased the property in question in open auction, therefore, respondent No.4 has started threatening them to falsely implicate them in some criminal case and with this *mala fide* intention, he is moving false and frivolous applications to police authorities. One of the complaints made by respondent No.4, after due enquiry by SHO Civil Lines, Amritsar, was found false vide enquiry report Annexure P-3. Petitioners have moved representation dated 06.03.2017 (Annexure P-7) to respondent No.2 to protect their life and liberty, but the same has not been taken care of till date.

Having heard learned counsel for the petitioners and after perusing the paper-book, however, without commenting on merits of the case, instant petition is disposed of with a direction to respondent No.2 to decide the representation dated 06.03.2017 (Annexure P-7) moved by the petitioners by passing a speaking order after affording opportunity of hearing to the petitioners in accordance with law.

In the meanwhile, respondent No.3 is restrained from visiting or sending any police official to the house of the petitioners in connection with aforesaid FIR only. It is clarified that if the petitioners are found involved in some other criminal case, in that eventuality, this order shall not come in the way of respondent No.3.

July 17, 2017
R.S.

(RAMENDRA JAIN)
JUDGE