

Sr. No.112

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

**CRM-M-52073-2018
Date of decision:27.11.2018**

Gurpreet Singh Chhina

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. K.S.Rana, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed praying for issuance of an appropriate orders or directions directing respondents No. 1 to 3, i.e., the police authorities to protect the life and liberty of the petitioner. Further directing respondent No.4 not to harass the petitioner in regard to the false and frivolous complaints filed by respondent No.5.

Learned counsel for the petitioner submits that the petitioner and respondent No. 5 are husband and wife and living separately since the year, 2009. It is further contended that the petitioner is the owner of Plot No.C-37-Focal point, Channallon, Tehsil Kurali, Sub-Division Kharar, District S.A.S.Nagar Mohali. However, the dispute is going on between the petitioner and respondent No.5 regarding that property. Respondent No.5 filed a suit for permanent injunction against the petitioner in which the status quo order has been passed by the civil court on 01.08.2018. Learned counsel for the petitioner further contends that despite the status quo order, respondent No.5 is constantly interfering in the work of the petitioner and

disturbing the tenants and workers of the petitioner. As a result thereof, the petitioner filed complaint to the police on 20.09.2018 against respondent No.5 and also complaint to the SSP, Mohali on 25.09.2018. However, no action is being taken by the police. It is further contended that despite status quo order from the civil court, on complaints of respondent No.5, the police is harassing the petitioner. In this regard also, the petitioner has filed a representation before the SSP, Mohali on 05.10.2018 but no action has been taken.

However, this Court does not find any substance in the submission of the learned counsel regarding the direction to the police to protect the life and liberty of the petitioner. Even if the facts are taken as such, then also it is no-where made out that the respondent No.5 is threatening the petitioner in any manner. The respondent No.5 has already availed legal remedies in accordance with law. The Court has also passed orders in this regard. Therefore, merely because respondent No.5 has availed legal remedies, it can not be said that the petitioner is harassed or petitioner is being threatened by respondent No.5.

So far as the direction to the police; not to harass the petitioner due to false and frivolous complaint filed by respondent No.5 is concerned, needless to say that the police have not registered any case on any false complaint so far. If at all the police has register any case against the petitioner then the police is fully entitled to investigate the case in accordance with law. Merely because the police is investigating the case; also does not amount to harassment to the petitioner. It is only the consequence flowing from the allegations contained in the FIR that the petitioner is being put to investigation by the police, if at all they are asking

the petitioner to join the investigation.

In view of the above, this Court does not find any ground to interfere in the matter. The petition is dismissed, being devoid of any merits.

27th November, 2018
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*