

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

**CRM-M No.4337 of 2017 (O&M)
Date of Decision: 08.05.2019**

Sheela Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harkesh Manuja, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for respondent Nos.1 to 3.

Mr. Chanderhas Yadav, Advocate for respondent Nos.4 to 6.

None for respondent No.7.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C.
seeking directions to protect the life and liberty of the petitioner at the
hands of private respondents.

This Court, on 30.04.2019, passed the following order:-

*“ Present petition has been filed under Section 482 Cr.P.C.
for seeking directions to protect the life and liberty of the
petitioners at the hands of private respondents.*

*The grievance of the petitioner is that she has
purchased the land measuring 04 Kanals, 03 Marlas and 8
Sarsai comprising in Khewat No.2 Min, Khatoni No. 12,
Khasra No. 50//19/2 & 20 situated in the revenue area of
village Alupur, Sub Tehsil Madlauda, District Panipat as per
Jamabandi for the years 2003-2004 by way of registered sale
deed dated 17.06.2011 (P-1) from private respondents and the
possession of the same was delivered to her, but despite that*

they are interfering in the possession of the petitioner and extending threat to her life. Also alleged that police has connived with the private respondents and submitted adverse inquiry reports in the matter. During the course of hearing, learned counsel for the respondents submitted that there was a decree passed by learned Civil Judge Junior Division, Panipat on 17.11.2009 in their favour and the possession of the land measuring 35 Kanal 7 Marlas, including the present land in dispute was handed over to them and neither the husband of the petitioner, nor her father-in-law objected to the same.

Be that as it may, the sale deed is subsequent to the decree which is sought to be projected as a defence by learned counsel for the private respondents and there is no material available on record to contradict that above sale deed was ever challenged or invalidated till date.

Faced with the situation, learned counsel for the respondents seeks some time to have instructions regarding the sale deed dated 17.06.2011.

Adjourned to 03.05.2019.

However, it is made clear that if the petitioner is still having any threat to her life, then she may move an appropriate application to the S.H.O., Police Station concerned and the same shall be examined as per law.

Be shown in the urgent list.

Thereafter, on 06.05.2019, the following order was passed by this Court:-

“ Learned counsel for the petitioner has apprised this Court that despite order dated 03.05.2019, respondent No.3-Station House Office, Police Station Matloda, District Panipat was not even inclined to accept the complaint of the petitioner.

It seems to be deliberate disobedience of above said order of this Court.

Let respondent No.3-Station House Office, Police Station Matloda, District Panipat be present before this Court

along with complete record of the case, on the next date of hearing.

List again on 08.05.2019.

To be shown in urgent list. ”

Learned Counsel for the private respondents is not able to controvert the genuineness of the Sale Deed dated 17.06.2011 (P-1), however, his only objection is that petitioner should take recourse to the remedy of filing a suit for partition on the basis of above Sale Deed.

The above submission of private respondents is wholly unjustified and liable to be rejected at such a belated stage when the petitioner is already continuing in possession for the last approximately eight years and thus, the same is nothing, but to cause unnecessary harassment to her.

SHO/Inspector Mohan Lal, who is present in the Court, has assured that he will extend all possible help to protect the life and liberty of the petitioner as per law.

In view of the assurance given by the police officer concerned, no further directions are required to be issued in the matter and thus, the same is disposed off at this stage.

However, it is clarified that the SHO (respondent No.3) shall be bound by his assurance given to the Court.

Ordered accordingly.

May 08, 2019

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>