

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Writ Petition No. 4122 of 2020

Date of Decision: July 02, 2020

Maghar Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Amit Dhawan, Advocate
for the petitioner**Sudhir Mittal, J. (Oral)**

At the very outset, learned counsel for the petitioner submits that judgment of *M. Subramaniam and another vs. S. Janaki and another, 2020(2) RCR(Criminal) 788* is not applicable to the facts of this case. The said judgment only states that in case an FIR is not being registered, the remedy of the complainant is to approach the criminal Court under Section 156(3) Cr.P.C. rather than to approach the High Court under Article 226 of the Constitution of India. In the present case, the petitioner is seeking protection of his life and liberty.

A perusal of the judgment in *M. Subramanyam (supra)* shows that submission of learned counsel for the petitioner is justified. Thus, there is no bar to the maintainability of this petition.

The petitioner is aggrieved because the private respondents are attempting to dispossess him from his property by adopting extra legal methods. Even though the civil Court has injuncted them, they are continuing with threats and intimidations with the assistance of respondent No. 10.

Notice of motion to respondents No. 1 to 3 only.

Mr. H.S. Multani, AAG Punjab, accepts notice on behalf of respondents No. 1 to 3 and waives service.

In view of the nature of the order being passed, there is no necessity to seek reply or to serve the private respondents.

The petition is disposed of with direction to respondent No. 2 to positively consider the representation dated 15.06.2020 (Annexure P-4) and take appropriate action if deemed necessary within a period of four weeks from the date of receipt of certified copy of this order.

July 02, 2020
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No