

CRWP-4768-2020 (O&M)

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

**CRWP-4768-2020 (O&M)
Date of decision: 01.10.2020**

Mohan Lal Gupta and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Piyush Kant Jain, Advocate,
for the petitioners.

Mr. Pawan Sharda, Sr. DAG Punjab.

Mr. G.B.S. Dhillon, Advocate,
for respondent No. 5.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

The present criminal writ petition has been filed under Article 226 read with Article 21 of the Constitution for issuance of a writ in the nature of Mandamus directing respondents No.1 to 4 to protect the life and liberty of the petitioners at the hands of respondent No.5, who allegedly in collusion with the local police, is getting their house raided. Still further, a prayer has been made to direct the official respondents not to take any coercive action against the petitioners in the light of the judgment rendered by the Hon'ble Apex Court in Lalita Kumari Vs. Government of UP and others 2013(4) R.C.R. (Criminal) 979.

Petitioners, Mohal Lal Gupta and Nirmala Gupta, are the

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parents-in-law of respondent No. 5-Bahar Gupta. Atul Mohan Gupta is the son of the petitioners. Respondent No.5 and Atul Mohan Gupta, have been married for the last 12 years.

Learned counsel for the petitioners has submitted that despite every luxury having been provided by the petitioners to respondent No.5 (daughter-in-law), she got registered a totally false criminal case bearing FIR No.158 dated 24.08.2019 under Sections 323, 354, 34 and 506 IPC at Police Station Dugri, District Ludhiana, against Naresh Aggarwal and Munish Aggarwal, son-in-law and grand-son of the petitioners, respectively, and another FIR No.231 dated 18.12.2019 under Sections 323, 324, 452 and 506 IPC at Police Station Model Town, Ludhiana, against petitioner No. 1 (father-in-law) and Atul Mohan Gupta (husband).

Learned counsel for the petitioners has further contended that respondent No. 5 was advancing regular threats to the petitioners to lodge multiple FIRs against them and was committing repeated acts of cruelty, misbehaviour and the petitioners being senior citizens were under a constant threat from her. He has further contended that on 06.05.2020 at 11.00 p.m, the police officials had barged into the house the petitioners forcibly, without any search warrants and without there being any FIR registered against them, and, thus, had invaded the privacy of the petitioners. He has further contended that the police officials from police post Shaheed Bhagat Singh Nagar had been calling the petitioners unwarrantedly, unnecessarily and without any cause, ignoring the pandemic Covid-19 situation.

On the other hand, learned State counsel has submitted that the present petition has been filed to pressurize the official respondents not to

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take any action against them and their son-in-law and grandson and that as a matter of fact, there is no danger to the life and liberty of the petitioners at the hands of respondent No.5, who rather had illegally been confined by the petitioners. He has further contended that on the receipt of a complaint from respondent No.5 on 06.05.2020 at about 11.00 p.m., against the petitioners and her husband regarding her illegal confinement, two police officials had been deputed and she had been got released from the clutches of the petitioners and her husband, but on her request, no action had been taken against the petitioners and her husband-Atul Mohan Gupta.

Learned counsel for respondent No. 5 has submitted that though respondent No. 5 was got released from the clutches of the petitioners and her husband by the police officials, who had come on the spot on the complaint made by her, yet in order to save her matrimonial life, she did not submit any complaint to the police which is why no proceedings had been initiated against the petitioners and her husband.

I have heard the learned counsel for the parties and with their able assistance, gone through the material available on record.

Indisputably, two FIRs i.e. one against the father-in-law (petitioner No.1) and husband and another against son-in-law and grand-son of the petitioners, had been got registered by respondent No.5.

At one stage, Naresh Aggarwal and Munish Aggarwal, son-in-law and grand-son of the petitioners, had tendered apologies admitting their guilt against respondent No. 5, in the presence of respectable and Panchayat. A compromise was also effected between the parties and Naresh Aggarwal had also undertaken not to create problem or to interfere in the family

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affairs, whereas on the other hand, respondent No. 5 had agreed not to pursue FIR No.158 dated 24.08.2019, Police Station Dugri, District Ludhiana, got registered by her.

So far as the last incident dated 06.05.2020 is concerned, there is no denying the fact that the police officials had got released respondent No.5 from the clutches of the petitioners and their son and that respondent No.5, with a view to saving her matrimonial life and further considering that she had been living under one and same roof with her parents-in-law's family, did not give any written formal complaint to the police regarding the said incident.

Thus, there is no substance in the assertions of the petitioners that the police officials had barged into their house without any justified cause. As noticed above, the police officials had visited their house on the complaint of respondent No.5 in order to save her from the illegal confinement of the petitioners and her husband.

The case of petitioners is not covered by the judgment of the Hon'ble Supreme Court in 'Lalita Kumari's' case (supra), as no FIR was registered against the petitioners regarding the incident occurred on 06.05.2020 at 11.00 PM on the request of respondent No. 5 (daughter-in-law). Therefore, no direction can be issued to conduct a preliminary inquiry regarding the said incident and grant the prayer(s) made by the petitioners in the present petition.

Finding no merit in the present petition, the same is hereby dismissed.

Needless to say that the police is duty bound to act as per law

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and should be mindful of the procedure while dealing with the cases pertaining to the senior citizens, especially when they are in the high risk zone and the most vulnerable persons, during the pandemic Covid-19.

01.10.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No