

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

210

CRWP No.5147 of 2020
Date of decision: 28.08.2020

Deepak Kumar and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vijay Kumar Sheoran, Advocate for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana
for respondents No.1 to 4.

SUVIR SEHGAL J. (ORAL)

The hearing of this case has been taken up through video conferencing on account of Covid-19 Pandemic.

Petitioners have approached this Court for issuance of a direction to the official respondents No.1 to 4 seeking protection of their life and liberty and that of their family at the hands of private respondents No.5 to 8.

The petitioners allege that private respondents No.5 to 8 have a grudge against them as the petitioners have made complaints and got

FIRs registered against them. Therefore, the private respondents are threatening the petitioners and their family members. Particular reference has been made by the counsel for the petitioners to an incident which took place on 15.07.2020, when the private respondents used abusive language, inflicted injuries on the petitioners and threatened to kill them. A complaint dated 15.07.2020, Annexure P-5, was lodged. Reference has been made by the counsel to the medical report of the same date, Annexure P-6, to point out the injuries suffered by the petitioners. According to the counsel, the complaint has remained unattended.

Notice of the petition was issued to the officials respondents No.1 to 4 and they were directed to file a status report. In response, an affidavit, dated 06.08.2020 was filed by the Deputy Superintendent of Police, H.Q. Bhiwani, wherein it has been stated as under:-

“2. That it is pertinent to mention here that petitioners and respondent No.5 belong to same family and also (are) living in the same house. In fact, there is a dispute between them regarding partition of their house.

3. That the petitioners and respondent No.2 whenever approached to the answering respondents, then accordingly, prompt actions were taken in accordance with law. Many litigations are going on between the parties. The following criminal cases/applications are pending between the parties, the details of which are as under:-

a) FIR No.59 dated 26.05.2020, under Sections 323, 506, 34 IPC Police Station PS City Bhiwani, which has been registered on the complaint of respondent No.5 against petitioners. During investigation, the petitioners were arrested on

17.07.2020 and the final report under Section 173 Cr.P.C. was presented before the learned Illaqa Magistrate on 24.07.2020 and now, the case is pending adjudication before the learned trial Court at Bhiwani. The petitioners are on bail in this case.

b) FIR No.343 dated 30.06.2020, under Sections 323, 506, 34 IPC, P.S. City Bhiwani, which was registered on the complaint of respondent No.5 against petitioners and Ritu wife of Deepak and Asha, daughter of Rajbir. During investigation, the petitioners, Ritu and Asha were arrested on 23.07.2020 and the final report under Section 173 Cr.P.C. has been prepared on 26.07.2020. The petitioners are on bail in this case.

c) FIR No.60 dated 10.06.2020, under Sections 323, 506, 34, IPC, P.S. Women Police Station Bhiwani, which was registered on the complaint of petitioner-Deepak against respondents No.5 and 6. During investigation, respondents No.5 and 6 were arrested on 14.07.2020 and the final report under Section 173 Cr.P.C. was prepared on 17.07.2020. Respondents No.5 and 6 are on bail in this case.

d) FIR No.342 dated 30.06.2020, under Sections 323, 506, 34, IPC, P.S. City Bhiwani, which was registered on the complaint of petitioner-Deepak against respondents No.5 and 8. During investigation, the respondents No.5 and 8 were arrested on 24.07.2020 and the final report under Section 173 Cr.P.C. was prepared on 26.07.2020. Respondents No.5 and 8 are on bail in this case.

e) DDR No.5 dated 20.03.2020, under Sections 107/151 Cr.P.C., P.P.BTM Chowki, P.S.

City Bhiwani, against respondent No.6 and 7 and Pawan son of Naresh, resident of Salodha, Tehsil and District Jhajjar as first party and petitioner-Deepak as second party.

f) An application was given by petitioner-Deepak son of Rajbir before Chowki In-charge, BTM Chowki, P.S. City Bhiwani, against respondent No.8, vide DDE NO.6 dated 209.07.2020 under Section 107/151 Cr.P.C., P.P. BTM Chowki, P.S. City Bhiwani, and preventive action has been taken against respondent No.8.”

During the course of arguments today, it has been brought to the notice of the Court that another FIR bearing No.0444 dated 06.08.2020 has been registered at Police Station Bhiwani City, under Sections 323, 325, 341, 506 IPC on the complaint dated 15.07.2020, Annexure P-6, submitted by Deepak Kumar-petitioner No.1. Copy of the FIR is taken on record.

From the stand taken by the respondents in their affidavit, as well as from the development which has taken on the complaint, Annexure P-6, this Court is satisfied that suitable action has been taken by the official respondents. Therefore, no order or direction as sought for, is required to be passed.

The petition is accordingly, dismissed.

28.08.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No