

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

**CRWP-7648 of 2020 (O&M)
DATE OF DECISION : 25.09.2020**

Sushma Rani and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Karan Sachdeva, Advocate,
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioners have approached this Court under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking protection of their life and liberty as they apprehend threats at the hands of private respondents.

2. Learned counsel for the petitioners contends that petitioner No.2 took a loan from private respondent No.5 and had given him signed documents as security of property measuring 201 square yards (New MC No.14-488, old No.E-248) situated inside Arjun Gate, Kumharon Mohalla, Purana City, Karnal. He submits that petitioners are in possession of property since 1997 and have been running a school in the premises in question.

3. Learned counsel for the petitioners submits that when petitioner No.2 was unable to pay the loan amount, private respondents started threatening him. Later on, an outstanding amount of Rs.22,00,000/- was paid by petitioner No.2 to private respondents No.4 and 5. In this regard, an agreement to sell was executed between petitioner No.1 and respondent No.4 vide Annexure P-1. After obtaining the total sale consideration/loan amount,

respondents never turned up to execute the sale deed and rather threatened the petitioners to take forcible possession of the property.

4. Learned counsel for the petitioners further submits that civil suit for specific performance is also pending adjudication before the Court below. He submits that taking advantage of the restricted functioning of the Courts, private respondents are threatening the petitioners for taking forcible possession of the property and as such, they are facing constant threats at the hands of respondent No.4 and 5 to withdraw the case pending before the trial Court.

5. In the circumstances, the petitioners submitted representations dated 20.07.2020 contained at Annexures P-4 and P-5 before respondents No.2 and 3, but the same have not been adverted till date. Hence, the instant petition.

6. Notice of motion.

7. Mr. Bhupender Singh, DAG, Haryana who has joined proceedings, on service of advance copy of the petition, accepts notice on behalf of the respondent-State of Haryana.

8. In my opinion, the petitioners ought to have first approached the trial Court under section 156(3) Cr.P.C. for redressal of their grievance, if any, before directly approaching this Court. Section 156 (3) ibid empowers a Magistrate to ensure proper investigation. Ordinarily, in case of a grievance arising out of non registration of an FIR, first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or any other competent Police Officer per section 36 Cr.P.C. However, even if thereafter, grievance is unmitigated, one can take judicial recourse by approaching a Magistrate under Section 156(3) Cr.P.C. Still, thereafter, an aggrieved party has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Reference may be had

to Apex Court judgment in “*Sakiri Vasu Vs. State of U.P. and others*” 208 (2) *SCC 409*.

9. In the premise, the instant petition is dismissed. The petitioners are, however, at liberty to approach the appropriate Court for redressal of their grievance, as aforesaid.

SEPTEMBER 25, 2020
Vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No