

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

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CRWP No. 8028 of 2020
Date of Decision: 7.10.2020

Anita Rani and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Karan Singla, Advocate for the petitioners.
Ms. Rashmi Attri, AAG Punjab.

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AVNEESH JHINGAN, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The present petition is filed under Section 482 Cr.P.C. seeking direction to the official respondents to protect the life, liberty and property of the petitioner at the hands of respondents no. 4 to 9.

The brief facts are that the petitioners and respondents No. 4 to 6 are of the same family. Petitioner No.1 is the wife of respondent No.4. Petitioners no. 2 and 3 and respondents No.5 and 6 are sons and daughters-in-law. As per pleadings it is alleged that respondent No.5 is a drunkard. It is alleged that there is one shop owned by petitioner No.1 though sale deed annexed to support the pleading is incomplete. As per the pleadings, there are some outstanding payments by respondents No. 4 to 6 of the loan given by respondents No. 7 to 10. It would be pertinent to note here that respondent

No.7 is paternal uncle of petitioner No. 2 i.e. the brother of petitioner No.1. The respondents No.8 to 10 are the creditor from the market. As per the allegations there is an endeavour of respondents no. 5 to 7 to clear the loan by selling the property which is opposed by the petitioners. There are bald allegations that there is use of force to dispossess the petitioner No.1 from the shop. A complaint dated 8.9.2020 is annexed with the petition. There is no proof attached as to when and to whom the said complaint was made. The complaint is addressed to the Honourable officer, Sherpur. In the writ petition there is an allegation that on 21.9.2020 the respondents no. 4 to 6 poured diesel on petitioner no.1 with the intention to kill and grab the property. A complaint was filed by respondent no.4 on 25.9.2020 of being illegally confined in his home. In pursuance to the complaint the parties were called to the police station on 27.9.2020. It is alleged that there was manhandling by the respondents of petitioner No.1 and that on 28.9.2020 gundas were sent to destroy the shop and take possession. A complaint on 28.9.2020 was moved by the petitioner No.1 to the Senior Superintendent of police for protection of life and liberty. Hence, the present petition, for directions to the respondents.

Learned counsel for the petitioners submits that the life of the petitioners are endangered and it is the duty of the Court to issue directions for the protection of the same.

Learned State counsel appearing on advance notice submits that it is a dispute between the family with regard to the property and there is an attempt to give it a colour of criminal case.

There cannot be any doubt that life and liberty of each citizen is to be protected but that itself would not mean that life and liberty of the petitioners who approach the Court is the only consideration and not of the

respondents. In the present case it is apparent that the petition filed is an abuse of process of Court to create pressure for settling a civil dispute.

Learned counsel for the petitioner is not denying the fact that all the petitioners and respondents are staying under the same roof. It is strange that till date no FIR or DDR or complaint with the Magistrate has been moved by the petitioners against the respondents. There are allegations and counter allegations. The allegations that shop is owned by petitioner No.1 and cannot be sold by respondent No.4, is a disputed question of fact and can be decided in appropriate civil proceedings. The alleged complaint moved on 10.9.2020 has no proof of its filing and it is not even forthcoming as to which department the same is addressed to.

There is another aspect of the matter, as per the allegations in para-10 of the petition there was an attempt to kill petitioner no.1 by pouring diesel but she never approached the police for registering the case against the respondents i.e. her husband and son and daughter-in-law. The complaint made on 28.9.2020 is addressed to Senior Superintendent of Police, District Sangrur for protection of life and liberty, no grievance is raised that police is not registering FIR. Even in the petition, there is no prayer for registering of FIR of the incidents reported by the petitioners. From the pleadings it is apparent that this application is moved after the parties were called in the police station on the complaint made by respondent No.4. There is no need for dilating further on the issue as to whether it is a counter blast to the complaint of respondent No.4 or not.

No case is made out for issuance of direction to respondents as prayed for in the writ petition.

The petition is dismissed.

However, in case the petitioners approach the authorities with atleast prima-facie threat preception, there is no doubt that the same would be considered in accordance with law and expeditiously.

(AVNEESH JHINGAN)
JUDGE

7th October, 2020

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Whether speaking/reasoned: YES

Whether reportable: YES