

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

CRM-M-39767-2020 (O&M)

Date of decision : 01.12.2020

Manisha Rani and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S. Warring, Advocate for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for issuance of directions to respondent Nos.2 and 3 to protect the life and liberty of petitioner No.1, with a further prayer for issuance of directions to the official respondents for compliance of the order dated 29.09.2020 (Annexure P-2), which is an order passed by the Civil Court whereby injunction has been granted in favour of petitioner No.1.

Learned counsel for the petitioners would contend that petitioner No.1 is a widowed lady and the private respondents are bent upon demolishing her property.

Notice of motion.

On the asking of the Court, Ms. Jaspreet Kaur, AAG, Punjab, has joined the session through video conferencing and accepts notice on behalf of the respondents-State and she, on instructions from SI Gurcharan Singh, has stated that the property in dispute is situated in Bathinda and petitioner No.1 herself is residing in Barnala. Learned counsel for the State has further contended that this is a family dispute in which the Civil Court is already seized of the matter and has granted injunction in favour of

petitioner No.1. It has further been contended by learned counsel for the State that the matter is being investigated into by SI Gurcharan Singh and that it is petitioner No.1 who has not appeared before the Investigating Officer to get her statement recorded.

In the present case, the prayer of petitioner No.1 qua the enforcement of order dated 29.09.2020 (Annexure P-2) is wholly misplaced. The order dated 29.09.2020 (Annexure P-2) is an order passed by the Civil Court on an injunction application filed by petitioner No.1 herein. Vide order dated 29.09.2020, the defendants in the civil suit were restrained from interfering into possession of the plaintiffs, petitioners herein, over the suit property and from demolishing the same till further orders. In case of a grievance, petitioner No.1 has a remedy in law available for violation of order dated 29.09.2020 and the present petition does not lie before this Court for enforcement of the order dated 29.09.2020. Learned counsel for the petitioner has not been able to show as to how the present petition under Section 482 of the Code of Criminal Procedure, 1973 is maintainable before this Court for compliance of an order passed by the Civil Court.

Further, regarding the prayer of petitioner No.1 for grant of protection, as per the learned State counsel, on instructions from SI Gurcharan Singh, the representation dated 03.10.2020, which is attached with the present petition as Annexure P-3, has already been investigated into and also as per instructions there is no threat perception to petitioner No.1 inasmuch as she is not residing in Bathinda.

In view of the above, I do not find any merit in the present case and hence, the present petition is dismissed.

01.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO