

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

Sr. No.106

CRWP-534-2021

Date of Decision: 19.01.2021

SANJEEV SETH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sandeep Kumar Bokolia, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Through the present petition, the petitioner is seeking issuance of direction to official respondents No.2 and 3 to protect his life and personal liberty from the hands of respondent No.4, who is extending threats to the petitioner and pressurizing and harassing him to withdraw the criminal complaints filed by the petitioner against him.

It is averred in the petition that the respondent No.4, who is son of paternal uncle of the petitioner, had borrowed an amount of Rs.33,92,000/- from the petitioner as friendly loan. However, he had not returned the amount to him. Ultimately, he had issued four cheques in favour of the petitioner, the detail whereof is given in paragraph No.3 of the petition. However, the said cheques when presented, were returned back

with the remarks “*Payment stopped by the drawer*”. Thereafter, the petitioner had been making efforts to seek return of the borrowed amount, but to no effect. Ultimately, he was constrained to file complaints under Section 138 of Negotiable Instruments Act, which are pending in the Court of learned Judicial Magistrate Ist Class, Batala. Now, he is apprehending threat to his life and personal liberty at the instance of respondent No.4, who is insisting the petitioner to withdraw all the complaints. It is also averred in the petition that the petitioner has submitted a representation dated 07.01.2021 before respondent No.3-SSP, Batala, but no action is being taken upon the same. Copy of the said representation is placed on record as Annexure P-1.

Notice of motion.

Mr. Sarabjit Singh Cheema, Assistant Advocate General, Punjab, accepts notice on behalf of official respondents and gives assurance about initiation of action on the representation dated 07.01.2021, in accordance with law.

In view of the submission so made and the assurance so given by the learned State Counsel, the present petition is hereby disposed of with the direction to official respondents No.2 and 3 to consider the grievance of the petitioner, in view of the representation dated 07.01.2021, copy whereof is Annexure P-1 and to initiate action upon the same, in accordance with law, if so required, within a period of three weeks from today onwards.

However, these observations are circumscribed, only for the purposes of disposal of the present petition, without prejudice to the rights of the parties, to be adjudicated in the complaints under Section 138 of Negotiable Instruments Act, filed at the instance of the petitioner against

respondent No.4, or any other civil or criminal proceedings qua borrowed amount *vis-a-vis* the cheques, as detailed in paragraph No.3 of the present petition.

(ARCHANA PURI)
JUDGE

19.01.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No