

CRWP-619-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRWP-619-2021 (O&M).
Decided on: September 22, 2021.**

Sunita and another

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rajesh Kapila, Advocate,
for the petitioners.**

Mr.Randhir Singh Thind, DAG, Punjab.

**Mr.Vikram Bali, Advocate,
for respondent Nos.4 and 5.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ, order or direction or a writ in the nature of *mandamus* directing respondent Nos.2 and 3 i.e. the Senior Superintendent of Police, District Gurdaspur, and the S.H.O. Police Station Dinanagar, District Gurdaspur, respectively, to protect the life and personal liberty of the petitioners at the hands of respondent Nos.4 and 5 by

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complying with the order dated 19.11.2020 (Annexure P-3). There is a further prayer to the official respondents to serve 15 days prior notice to the petitioners in terms of Section 160 Cr.P.C. in case they are required to be arrested in any FIR/complaint filed by respondent Nos.4 and 5 as they have serious apprehension of their arrest.

Learned counsel for the petitioners has submitted that when vide Annexure P-3, the petitioners had approached this Court, this Court on 19.11.2020 had disposed of the writ petition with a direction to the Police to decide the representation of the petitioners within a period of 4 weeks and grant protection to the petitioners, if any, threat of their life and liberty is perceived.

Notice in the present writ petition was issued by this Court on 25.01.2021 and the State had sought time to file reply. In pursuance thereof, a reply was filed by way of an affidavit of Deputy Superintendent of Police, Dinanagar, District Gurdaspur, in which it has been stated that in compliance with the order dated 19.11.2020 (Annexure P-3), the matter was got enquired into by the S.H.O. Police Station, Dinanagar and also by the deponent i.e. The Deputy Superintendent of Police, Dinanagar, District Gurdaspur. During enquiry, it was revealed that petitioner No.1 and respondent No.4 are relatives as respondent No.4 is sister-in-law of petitioner No.1. The mother and brother of respondent No.4- Asha Kumari and Parveen Kumar had filed a civil case in the learned Civil Court regarding suit for declaration with regard to a residential plot and the same is pending before the learned Court. The petitioner No.1 had lodged an FIR No.19 dated 06.03.2001 under Sections 307, 323, 324, 452, 148, 506

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and 149 of IPC registered at Police Station Dinanagar, District Gurdaspur against the accused persons including respondent Nos.4 and 5. That case resulted into his acquittal by the learned trial Court at Gurdaspur on 31.08.2013 and the father-in-law of the petitioner namely Satpal Bhogal filed a criminal complaint in the learned Court which was also dismissed by the Court of JMIC, Gurdaspur on 09.04.2010.

The learned State counsel while referring to the affidavit filed by the Deputy Superintendent of Police, Dinanagar, District Gurdaspur, has submitted that during the aforesaid enquiry conducted in pursuance of the order passed by this Court, the allegations levelled by the petitioners against the private respondents regarding threat etc. were found to be false due to non-production of any evidence by the petitioners produced before the Enquiry Officer. However, a preventive action was taken under Section 107/150 Cr.P.C. vide D.D.R. No.52 dated 05.01.2021 and speaking order in compliance of the orders passed by this Court on 18.01.2021 has also been passed which has been annexed as R-1. It has been further submitted in the affidavit that there is no threat to the petitioners from the private respondents, however, still directions have been issued to the Halqa Officer and the S.H.O. Police Station, Dinanagar, District Gurdaspur, to protect the life and liberty of the petitioners and their family members.

Paras 7, 8 and 9 of the affidavit filed by the Deputy Superintendent of Police, Dinanagar, District Gurdaspur, are reproduced as under:-

“7. That it is humbly submitted that during the enquiry,

the allegations leveled by the petitioner against private respondents regarding threat etc. were found to be false, due to non production of any evidence by the petitioner produced before the Enquiry Officer. However, the preventive action Section 107/150 Cr.P.C. has been initiated against respondent No.4 and 5 vide DDR No.52 dated 05.01.2021. The Speaking Order has been passed vide No.64-65-Lit. Dated 18.01.2021. Copy of speaking order is annexed herewith as Annexure R-1.

8. That it is humbly submitted that the no threat to the petitioners from the answering respondents. However, the direction has been issued to the Halqa Officer and SHO Police Station Dinanagar to protect the life and liberty of the petitioner and her family members.

9. That at this stage answering respondent being filed the short reply by reserving his right to file the detailed reply as per need or as per further order passed by this Hon'ble Court."

The learned State counsel has further submitted that there are pre-existing disputes and other disputes between the petitioners and the private respondents and the prayer made in the present petition is for the grant of protection of life and liberty and the same has been ensured by passing speaking order vide Annexure R-1 and therefore, no cause of action survives in the present petition.

Mr. Vikram Bali, Advocate, has caused appearance on behalf of respondent Nos.4 and 5. A reply on behalf of respondent Nos.4 and 5 has also been filed which is taken on record. Learned counsel for

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respondent Nos.4 and 5, on instructions has categorically submitted that they have not posed any threat to the petitioners nor they intend to pose any threat to the petitioners and they undertake not to cause any kind of threat to the petitioners.

I have heard learned counsel for the parties.

In the present petition, the prayer made by the petitioners was for the grant of protection of their life and liberty at the hands of respondent Nos.4 and 5. The State has filed its affidavit categorically stating that protection of life and liberty of the petitioners has been ensured and rather the complaint made by the petitioners was found to be false but still proceedings under Sections 107/150 Cr.P.C. have been initiated and even the S.H.O. Police Station, Dinanagar, District Gurdaspur and the Halqa Officer of the Police Station have been directed to ensure the protection of life and liberty of the petitioners and other family members. Even as per instructions imparted to the learned counsel for respondent Nos.4 and 5, they have undertaken not to pose any threat to the petitioners.

In view of the aforesaid factual position no cause of action survives in the present petition and the same is therefore, hereby dismissed.

September 22, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No