

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

**CRWP No. 2324 of 2021
Date of Decision: 09.03.2021**

Dulari

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Dhindsa, Advocate for the petitioner.
Mr. H. S. Sitta, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The present petition is filed seeking directions to Senior Superintendent of Police, Patiala and Station House Officer, Police Station, Sanaour, District Patiala to protect the life and liberty of the petitioner.

The brief facts as per the pleadings are that the petitioner is a widow who had constructed a house in which she is residing with her son Deepa and daughter-in-law. Her second son is residing separately. The allegations are that the son and daughter-in-law residing with her, are trying to take possession of the house. A civil suit for injunction is pending between the parties and an interim relief under Order 39 Rules 1 and 2 CPC was granted on 6.2.2020. In spite of the interim order, the son and daughter-in-law of the petitioner are trying to take possession of the house. There are allegations that she was given beatings.

From the perusal of the pleadings, it is forthcoming that it is a case of violation of the interim order passed by the Civil Court under Order 39 Rules 1 and 2 CPC. Instead of availing the remedies under Order 39

Rule 2A CPC, the endeavour is to give it a colour of criminal act. There is no proof attached with the petition to show representation was submitted.

Be that as it may, apart from bald statement, there is nothing either in the representation or in the pleadings even to *prima facie* support that there is any threat perception to the petitioner. As per the pleadings, the petitioner was given beatings, however no medical or any such evidence is there.

In view of the above, no case is made out for interference in the writ jurisdiction.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

9th March, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |