

CRWP-5339-2020 (O&M)

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

CRWP-5339-2020 (O&M).
Date of Decision:-13.09.2021.

Monika and others

.....Petitioners

Versus

State of U.T., Chandigarh and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhinay Goel, Advocate for the petitioners.

Mr. Ashu Mohan Punchhi, Standing counsel for
U.T., Chandigarh.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-W-856-2020

This is an application for rectification of the typographical error. It is stated in the application that due to inadvertent typographical error, the statement of a PW, Smt. Phoola Devi which was recorded on 11.08.2020 has wrongly been mentioned as 23.05.2020 in paragraph 1 (iii) of the affidavit of the status report. The application is allowed and the date in the paragraph 1 (iii) would be read as 11.08.2020 instead of 23.05.2020.

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This is the criminal writ petition under Section 482 Cr.P.C. for issuance of directions to respondents to provide protection to life and liberty of the petitioners.

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This is an unfortunate case where the petitioner No.2 along with his wife and minor son have filed the present petition against their own mother, sisters and niece, stating that there is an apprehension from these persons to their life and liberty.

Learned counsel for the petitioners has tried to build a case that there were injuries which have been caused to the petitioners and it was stated that the said injuries have been caused by the private respondents herein.

Learned counsel for the U.T., on the other hand, has referred to the status report dated 25.08.2020 and along with the status report a statement dated 23.05.2020 of the petitioner No.2 is stated to have been annexed. The said statement is reproduced hereinbelow:-

“Statement of Jagminder Singh S/o Late Sh. Dharampal R/o # 427 P.W.T. Mani Majra Chandigarh age 31 years Mob No.

“It is stated that I am residing at the aforesaid address with my family. Today I was going to Bus Stand Mani Majra Chandigarh from my house, riding on my Aactiva when all of a sudden my Aactiva slipped near the Bus Stand. I received minor injury for which I have taken the medicine from GMSH 16 Chandigarh. Now I am absolutely fine and there is no fault of anyone. I do not want to take any police action. I have given this statement on my own will, without any pressure.

Sd.

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Jagminder Singh,

Mob. No.8288888811

23.05.2020

Attested

ASI Paramjeet Singh PS MM UT Chd.

Dt.23.05.2020.

DDR. No.57 dated 23.05.2020 PS MM''

A perusal of the said statement would show that it has been stated by the petitioner that he was driving an Aactiva scooter when it slipped and he fell down and there is no fault of anyone with respect to the same.

Learned counsel for the U.T. has also referred to the statement of the mother of petitioner No.2 who is stated to be 60 years of age. In her statement, the said mother who has been impleaded as respondent No.8 has stated that she is living at the address at Manimajra and is a house-wife in the said house. Her son, daughter-in-law and their son Ayansh, i.e. petitioner No.3 are also living in the aforesaid house and that Ishika, the daughter's daughter aged 16 years is living in the said house and it is further stated that the said respondent No.8 is unwell and the petitioner No.1 does not take care of her and it is only Ishika who takes care of her and the daughters also visit the house and as respondent No.8 is ill, needs their help. It is further submitted that petitioner No.1 is greedy for the property and on account of the same, false complaints have been made. It is further submitted by the learned counsel for U.T. that in fact the petitioner No.2

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has already filed a civil suit taking a claim of 20% in the property and the said case is pending.

This Court has heard learned counsel for the parties and finds that the present petition is an absolutely frivolous petition. It is unfortunate that in order to get some benefit in the civil litigation, the petitioners have chosen to file the present petition against their own mother and sisters and have not even left their niece who is stated to 16 years of age. Benefit is sought to be taken of the fact that petitioner No.2 had met with an accident. Although in the petition, the prayer which has been made is for protection of life and liberty but it is apparent that at every stage, it has been submitted that action should be taken against the respondents. Further, in this petition, the factum with respect to the civil suit has not been disclosed and, thus, the same amounts to active concealment on behalf of the petitioners and as per settled law on the said ground alone, the petition deserves to be dismissed.

Accordingly, the present petition is dismissed.

(VIKAS BAHL)
JUDGE

September 13, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No