

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

220

CRWP-9170-2021

Date of Decision : December 17, 2021

KAMALJIT KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vikram Preet Arora, Advocate
for the petitioner.

Mr. Arun Kaundal, Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for grant of protection to the life and liberty of the petitioner at the hands of respondents No.4 to 8.

The case of the petitioner was that the petitioner is a widow and her husband had earlier purchased some land on which she was making some construction and recently she had also constructed boundary wall and a shed over the property of 6 biswas which falls in the share of the petitioner but the private respondents who are the relatives of the petitioner demolished the boundary wall constructed by the petitioner with the help of the police and, therefore, she was constrained to file the present petition for the purpose of grant of protection of life and liberty.

After notice of motion was issued by this Court, the State has filed the reply by way of an affidavit of Deputy Superintendent of Police, Circle Amloh, District Fatehgarh Sahib.

Mr. Kaundal, learned Deputy Advocate General, Punjab while referring to the affidavit filed by the aforesaid Officer has submitted that a detailed enquiry has been conducted in the present case

and statements of all the parties were recorded and it came to light that out of 10 biswas of land which was situated near their house, 6 biswa was purchased by the late husband of the petitioner whereas 4 biswa plot belonged to them and a dispute with regard to the division of the property was going on and he has also filed a case before the Civil Court in this regard. He submitted that on an earlier occasion, an FIR was registered at the instance of the petitioner and at one point of time even a compromise was also effected between the parties and thereafter on the basis of the allegations made by the petitioner with regard to the demolition of the boundary wall now again FIR has been registered under Sections 447/379/147/149 IPC dated 20.10.2021 in Police Station Mandi Gobindgarh against respondents No.4 to 8.

He submitted while referring to para No.7 of the affidavit that so far as the apprehension of threat to the life of the petitioner is concerned, due and adequate measures have been taken to ensure the protection of the life and liberty of the petitioner and preventive action will also be taken against the private respondents. The involvement of the police in favour of the private respondents was denied in the affidavit. He further submitted that the scope of the present petition was only for the purpose of protection of the life and liberty of the petitioner and as per para No.5 of the affidavit it has been stated that the apprehension raised by the petitioner with regard to threat to their life and liberty, the petitioner has been got noted the mobile numbers of the SHO, Police Station Mandi Gobindgarh as well as of the DSP with a clear instructions to the SHO to take an immediate action as and when the petitioner calls or approaches him. Besides the same, the SHO has also been directed to take preventive action against all the accused persons i.e. private respondents. The learned State counsel has submitted that in view of the aforesaid position, the grievance of the petitioner has been redressed.

I have heard the learned counsels for the parties.

The prayer of the petitioner in the present case was pertaining to the grant of protection of life and liberty to the petitioner.

As per the affidavit filed by the State on the complaint of the petitioner with regard to the demolition of the boundary wall, an FIR has already been registered against the private respondents and so far as the protection of the life and liberty of the petitioner is concerned, adequate measures have been taken by the police in this regard and even mobile number of the SHO has been provided to the petitioner that in case it is so required then she can call the SHO in this regard and apart from the same the DSP has also directed the SHO to take preventive measures against the private respondents. Therefore, the grievance of the petitioner has since been redressed and consequently no further action is required in the present case. The present petition is disposed of accordingly.

However, in case the police does not provide any protection to the petitioner despite informing them by the petitioner then she shall be at liberty to file an appropriate application in the present case.

December 17, 2021

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No