

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

CRM-M-47956-2021

Date of decision : 16.11.2021

Ram Kishan

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Krishan Singh Dadwal, Advocate
for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

In the present petition under Section 482 Cr.P.C., primarily two reliefs have been sought. The first relief which has been sought with respect to directing the official respondents to take remedial action on the complaints / applications filed by the petitioner (Annexures P-6 to P-9) which as per the petitioner, prima-facie makes out the commission of cognizable offences against respondents no.7 to 9.

Learned counsel for the petitioner in view of the law laid down by the Hon'ble Supreme Court in case titled as ***Sakiri Vasu vs. State of U.P. And others, reported as 2008(2) SCC 409*** and in ***M.Subramaniam and another vs. Janaki and another, Criminal Appeal no.102 of 2011***, decided on 20.03.2020, seeks to withdraw the present petition with respect to said relief with liberty to file an application under Section 156 Cr.P.C. before the concerned Magistrate.

In view of the said statement, the present petition qua the said relief is dismissed as withdrawn, with liberty aforesaid.

The second prayer which has been sought in the present petition is to protect the life and liberty of the petitioner and his family members.

Learned counsel for the petitioner has submitted that the petitioner is a 61 year old person and a representation/complaint dated 29.09.2021 (Annexure P-9) has been filed by him to various police officials including respondent no.4-Senior Superintendent of Police, Hoshiarpur, in which certain averments have been made to show that there is an apprehension as to the life and liberty of the petitioner. It is submitted that the petitioner would be satisfied in case respondent no.4-Senior Superintendent of Police, Hoshiarpur, looks into representation dated 29.09.2021, to the limited extent of threat perception to the petitioner and his family members and takes appropriate action therefrom, in accordance with law.

Notice of motion.

On advance notice, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 6 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.4-Senior Superintendent of Police, Hoshiarpur, looks into the representation dated 29.09.2021 (Annexure P-9) with a limited prayer for only protection of life and liberty of the petitioner and his family members and takes appropriate action, in accordance with law.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.4-Senior Superintendent of Police, Hoshiarpur to look into the representation dated

29.09.2021 (Annexure P-9) with a limited prayer for only protection of life and liberty of the petitioner and his family members and after making necessary enquiries, respondent No.4 shall take appropriate action, in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.4 to make his independent enquiry/assessment with regard to the representation with a limited prayer aforesaid.

In view of what has been observed above, the present petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

(VIKAS BAHL)
JUDGE

November 16, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No