

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

111

CRWP-624-2022

Date of Decision : **February 01, 2022**

SOM NATH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. L.S.Mann, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India with a prayer to issue directions to respondents No.2 and 3 to protect the life and liberty of the petitioner who according to learned counsel for the petitioner are being harassed by the accused persons and for taking proper legal action on the representation Annexure P-1.

The learned counsel for the petitioner has submitted that the petitioner is a labourer and hardly meets both ends of his family and was not having any dealing with the accused persons against whom the allegations have been made. He submitted that the accused persons who have been named in the representation Annexure P-1 are demanding money illegally from the petitioner on the pretext that they had given some money to the friend of the petitioner and he is not returning back and, therefore, he has sought protection for the petitioner.

I have heard the learned counsel for the petitioner.

The petition as well as the representation Annexure P-1 is absolutely vague and evasive. A perusal of the writ petition as well as representation Annexure P-1 would show that general and vague allegations have been made against some persons that they are threatening the petitioner for the purpose of extracting some money. Some other factors are also required to be seen in the present case:

- (i) The persons against whom the allegations have been made have not been impleaded as a party in the present case:
- (ii) A perusal of the page No.11-A of the paper book would show that the petitioner had given a representation to DPO, Jalandhar on 18.1.2022 by e-mail and the present petition has been filed on 17.1.2022 which is prior in point of time and it appears that on the objection raised by the Registry, the present petition has been re-filed on 19.1.2022 just in order to remove the technical defect. On a query being put to the learned counsel for the petitioner that how the present petition would be maintainable in such a circumstance, he submitted that initially the petitioner had submitted representation by hand to the SSP on 5.1.2022 and referred to para No.8 of the petition in this regard. Such kind of explanation is not acceptable as in order to invoke extra-ordinary jurisdiction of this Court and to file the present petition, the present petitioner ought to have atleast given a complaint/representation by way of a registered post to the concerned Commissioner/SSP and it appears that the petitioner has straightway approached this Court without approaching the police authorities and it was only when an objection was

raised by the Registry that in order to remove such an objection, an e-mail was sent to the police authorities; and

(iii) Mr. Randhir Singh Thind, DAG, Punjab has also caused appearance on behalf of the State of Punjab at this stage and has submitted that even that e-mail was also received by the police authorities on 28.1.2022 which was filed after the filing of the present petition and, therefore, the present petition is liable to be dismissed. He has further raised an objection that even if the petitioner has any threat from anybody or he has an apprehension or belief that there is an offence committed by anybody then the appropriate remedy would have been to approach the learned Illaqa Magistrate in view of the law laid down by the Hon'ble Supreme Court in **Sakri Vasu Vs. State of U.P. and others 2008(1) RCR (Criminal) 392**. He further submitted that extra-ordinary jurisdiction of this Court cannot be invoked without approaching District Police head by e-mail/Registered Post and the same has not been done in this case. The arguments raised by learned State counsel carry weight. The jurisdiction of High Court cannot be invoked by drop of a hat. The petitioner ought to have approached the District Police head by Registered Post.

In view of the aforesaid reasons the present petition is devoid of any merit and the same is, hereby, dismissed.

February 01, 2022

ajay-1

(JASGURPREET SINGH PURI)
JUDGE

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