

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(261)

CRM-M-4711-2021

Date of decision: - 13.07.2022

Sukhpreet Singh Bawa and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of direction to the respondents No.2 and 3 for the protection of life, liberty and property of the petitioners from respondent No.4.

Notice was issued to the respondents in the present case and the respondent-State has filed its reply.

Learned State counsel has highlighted paragraph No.1 of the preliminary submission of the said reply and the same is reproduced as under: -

"That earlier on the same allegations, the present petitioners had also moved representation dated 29.01.2021 Annexure P-2 with the Commissioner of Police, Ludhiana on which enquiry was conducted by the answering deponent during which both the parties were joined and it was revealed that there is money dispute between

the parties and no police action is warranted in the matter. It was revealed that the petitioners have their firm M/s G.S. Textiles and respondent no.4 is Proprietor of Kamal Trading Company and in the year 2015-2016, the firm of the petitioners through their father had purchased thread from the firm of no.4 for a sum of Rs.9.50 Lacs. However, the petitioners were not returning the said amount to respondent no.4 and thereafter a Panchayati compromise was effected between the parties on 06.09.2018 and as per Panchayati Compromise, 19 Cheque of Rs.50,000/- each were given by the petitioners to respondent no.4 and it was agreed that every month, the petitioners will give Rs.50,000/- to respondent no.4 and will get back one cheque every month. However, the petitioners deposited Rs.5.00 Lacs with respondent no.4 and Rs.4.50 Lacs is yet to be returned by the petitioners to respondent no.4 and nine cheques of this amount are lying with respondent no.4. Father of the petitioners expired on 28.06.2020. Thereafter respondent no.4 had moved a complaint dated 05.01.2021 with the answering deponent on which the enquiry was conducted by the SHO, P.S. Division No.3, Ludhiana by summoning both the parties and the SHO found that the matter pertains to money dealings and therefore the said complaint of respondent no.4 was consigned to the office record on 02.03.2021. However, the petitioners were never harassed by the police. Therefore the answering deponent found that no police action is warranted in the matter and there is money dispute between the parties. The said enquiry report of the answering deponent has been further examined and verified by the ADCP-1 Ludhiana and thereafter the same has been finally approved as well by the Commissioner of Police, Ludhiana. However, there is absolutely no danger to the life, liberty and property of the petitioners from respondent no.4. Hence, the present petition is liable to be dismissed on this ground alone."

Perusal of the above-said reply would show that it has been stated that the petitioners had moved an earlier representation dated 29.01.2021 (Annexure P -2) with the Commissioner of Police, Ludhiana and after enquiry had been conducted, it was revealed that there is a money dispute between the petitioners and respondent No.4 and no action

was warranted. It is further stated that respondent No.4 had moved a complaint on 05.01.2021, in which, an enquiry was also conducted after summoning petitioners and respondent No.4 and the same was consigned to the record room and no one was harassed. It is also stated that there is absolutely no danger to the life, liberty and property of the petitioners from respondent No.4. The said reply has been filed by way of an affidavit of Waryam Singh, PPS, Assistant Commissioner of Police (Central), Ludhiana,.

None has appeared on behalf of the petitioners today to rebut the above-said averments made in the reply and no body had appeared on behalf of the petitioners at the time when notice of motion was issued in the present case.

Keeping in view the averments made in the above-said reply and also the fact that no one has appeared on behalf of the petitioner to rebut the said averments, the present petition is dismissed.

It is made clear that in case, any cause survives, it would be open to the petitioners to file a fresh petition, in accordance with law.

July 13, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No