

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

CRWP-2607-2022

Date of Decision: 25.03.2022

Shakuntla Devi and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munfaid Khan, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of a writ in the nature of mandamus for directing the respondents No.2 and 3 to protect the lives and liberty of the petitioners at the hands of private respondents.

It has been submitted by learned counsel for the petitioners that earlier an FIR was registered under Sections 363, 366-A, 506 IPC and Section 6 of POCSO Act against the petitioner No.3 and two other persons in which primarily, petitioner No.3 was the accused and thereafter the accused persons demanded money from the petitioners so that the witnesses may be turned hostile and the petitioners paid Rs.5 lacs to them and thereafter they turned hostile and petitioner No.3 was acquitted of charges. He submitted that now again, the private respondents are coming to the house of the petitioners by saying that the daughter of respondent No.5 had gone to the house of the petitioners and the petitioner No.3 has committed rape upon her and in this way, they are extorting money from the petitioners again and therefore an offence has been committed by the private respondents. Thereafter, the local police reached at the spot and the accused fled from the spot.

I have heard the learned counsel for the petitioners.

As per the learned counsel for the petitioners and as per the contents of the petition, in the earlier case, the petitioners had paid an amount of Rs.5 lacs to the private respondents for the purpose of turning the witnesses hostile and the same was actually done. The conduct of the petitioners itself shows that the petitioners are not entitled for any relief from this Court. Now the grievance of the petitioners is that the private respondents had gone to the house of the petitioners and they have alleged that the daughter of respondent No.5 has been raped by the petitioner No.3 and they are extorting money again from them. The grievance of the petitioners is that they have not committed any offence and rather, the private respondents have committed an offence. In such a situation and especially considering the conduct of the petitioners, as stated above, the extra-ordinary jurisdiction under Article 226 of the Constitution of India cannot be invoked especially when there are disputed questions of facts raised by the petitioners with an allegation by the private respondents themselves that the daughter of respondent No.5 has been raped by the petitioner No.3 and therefore, it appears that filing of the present petition seems to be a pre-emptory effort to escape any liability under the garb of filing the petition for protection of lives.

Consequently, finding no merit in this petition, the same is hereby dismissed. In case, the petitioners have any genuine reasons then the petitioners are always be at liberty to approach the concerned Illaqa Magistrate and file appropriate application in this regard in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

March 25, 2022

Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No