

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRWP-4229-2022 (O & M)****Date of decision: 06.05.2022**

Vikas Kumar

.... Petitioner

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Jindal, Advocate, for the petitioners.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in the present criminal writ petition is for the issuance of a writ in the nature of Mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioner and direct them to arrest the accused persons alongwith a further prayer to direct respondents No.1 to 3 to provide protection to the life and liberty of the petitioner and his family members, which is in danger at the hands of certain unknown accused persons.

2. The brief facts of the case are that on 12.02.2022, the petitioner was watching a video on Youtube when suddenly one advertisement of "Orange Fall Personal Loan App" was inadvertently touched by the petitioner and his phone got hacked and withing a few seconds Rs.3580/- was credited in the bank account of the petitioner bearing Saving Account No.4750118000093 IFSC Code CNRB0004750. The petitioner had never applied for any loan and the said deposit was without his consent and permission and on the same date, the petitioner received an SMS message on

his phone that he had received a loan of Rs.3850/- and till 19.02.2022 he has to return Rs.7200/-. Thereafter, he received voice messages and Whatsapp calls from various numbers wherein the callers continuously extended threats and used abusive language against the petitioner.

3. As per the contention of the petitioner, the unknown accused/culprits had hacked the entire data including photographs and other details available on the phone of the petitioner and started sending vulgar messages and threats to the contacts of the petitioner.

4. On 19.02.2022, the petitioner was asked to pay Rs.90,000/- immediately otherwise he would face dire consequences as the confidential details of the petitioner could be misused by the culprits. On the said date, the petitioner made a complaint with number 112 and he was advised by the police officials to lodge a written complaint to the concerned police station.

5. Based on the said advice, the petitioner lodged a complaint leading to the registration of an FIR No.67/2022 dated 21.02.2022 under Sections 420, 484, 506 IPC with Police Station Ram Nagar, Karnal, Haryana. Despite registration of the said FIR, on 21.02.2022, the petitioner received another call from Mobile No.8605780498 in which the unknown caller started threatening the petitioner and used abusive language when the petitioner refused to make the payment as per the wishes of the caller. Thereafter, the petitioner received one modified naked photographs of the petitioner with some girl. The petitioner, thereafter, received further calls asking him to make a payment of Rs. 90,000/- and on his denial, the said photograph was forwarded to other numbers of his contact list. Thereafter, he was threatened that the phone-clips would be used to further implicate him. He was asked to deposit a sum of Rs.4270/- on link UPI ID-

Finding no other way, the petitioner deposited a sum of Rs.4270/- , after which he started getting threatening calls that now he would have to pay Rs.1,50,000/-.

6. That on 22.02.2022, the petitioner lodged another complaint with respondent No.3 i.e. SHO, Police Station Ram Nagar, Karnal. As no action was taken by the I.O., the said complaint alongwith the modified nude photographs was sent by the petitioner on the mobile number of the concerned I.O. and SHO on their Whatsapp numbers with a further request to add other Sections of IPC/IT Act to the FIR No.67/2022 which already stood registered and to arrest the culprits. Yet another complaint was sent on 28.02.2022.

7. On 26.02.2022, the petitioner received a call from the WhatsApp number threatening the petitioner that he was a recovery agent of “Orange Fall Personal Loan App” and was providing a link for making the payment of Rs.1,50,000/- with the same threat of uploading his modified photos and videos.

8. The petitioner has, thereafter, referred to the occurrence of 27.02.2022 wherein his family members informed him that certain nude photographs and video clips were circulated on their Whatsapp number. The details of numbers from which the petitioner has received calls as also been attached with the petition as Annexure P-9.

9. On 01.03.2022, the petitioner sent yet another complaint to the Superintendent of Police, Karnal Range and SHO, Police Station Ram Nagar, Karnal against the illegal acts committed by the culprits on 26.02.2022 and 27.02.2022 but no action had been taken by the police officials. Thus, the petitioner contended that the conduct of the unknown

living with extreme pain and trauma. He, thus, prays that the accused persons be arrested, his life and liberty be protected and the recovery of his entire data and also photographs, etc. be stopped from being circulated.

10. I have heard the learned counsel for the petitioner.

11. The allegations in the petition seems grave and despite the FIR having been registered on 21.02.2022, it appears that no further action/investigation has taken place on the same.

12. In view of the facts enumerated hereinabove, the present petition is disposed of with a direction to the concerned authorities to take appropriate action on the complaints/representations (Annexures P-8 and P-10) within a period of two weeks from the date of receipt of a copy of this order and the action taken thereon shall be intimated to the petitioner immediately.

(JASJIT SINGH BEDI)
JUDGE

May 06, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No