

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

120

CRWP-4536-2022

Date of decision: 26.05.2022

LAJWANTI AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Nikhil Sabharwal, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present Criminal Writ Petition had been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus to direct the official respondents to protect the life and liberty of the petitioners who are senior citizens and to provide adequate security to them.

Affidavit of Kulwant Singh, Sub Inspector/Station House Officer, P.S. Naya Gaon, District S.A.S. Nagar (Mohali) on behalf of respondents No.1 to 3 has been filed today in Court and the same is taken on record. The relevant extract of the same reads as under :-

“3. That with regard to the subject matter of the present petition, it is respectfully submitted that complaint bearing No. 359/HRC/SSP dated 07/09/2021 was received in the office of SSP, District SAS Nagar from the petitioner No.1 for taking action against the private respondents for mentally harassing the petitioners. The enquiry into the said representation was conducted by

L/HC Balwinder Kaur by associating both the parties wherein, the petitioners got recorded in their respective statements that they have amicably settled the matter with the private respondents as the private respondents have felt sorry and agreed to not repeat such mistakes in future and therefore, they do not want any action on the complaint. Consequently, the said complaint was filed in the office.

4. *That it is respectfully submitted that thereafter, complaint bearing No. 424/5D/PSNG dated 08/04/2022 (Annexure P-5) was received in the office of the deponent from petitioner No.1 for taking action against the private respondents on the allegations of stealing household articles and threatening to kill them after entering the house. The enquiry into the said complaint was conducted by L/HC Balwinder Kaur by associating both the parties in the enquiry and recorded their respective statements wherein, they got recorded that they have amicably settled the dispute and do not want any action on the complaint. Accordingly, finding no action required on the said complaint, L/HC Balwinder Kaur had recommended for filing the said complaint in the office. Consequently, the said complaint (Annexure P-5) was filed in the office.*

5. *That it is respectfully submitted that thereafter, complaint bearing No. 598/5D/PSNG dated 16/05/2022 was received in the office of the deponent from petitioner No.2 for taking action against the private respondents on the allegations of fighting and issuing threats to kill them. The enquiry into the said complaint was conducted by L/HC Balwinder Kaur by associating both the parties and other respectable persons in the enquiry. During enquiry, the private respondents misbehaved with the petitioners and threatened to beat them, in the presence of the enquiry officer. Therefore, finding threats to peace and security at the hands of the private respondents,*

preventive action under Sections 107, 151 Cr.P.C. was initiated against the private respondents and the Calandra was prepared on the 18/05/2022 and presented before the Ld. Court of SDM, District SAS Nagar.”

As the preventive action has already been initiated by the concerned officials, the learned counsel appearing on behalf of the petitioners does not press the instant petition at this stage.

Needless to point out that the authority shall take appropriate steps in terms of the averments contained in the aforesaid affidavit.

The petition is accordingly disposed off.

(VINOD S. BHARDWAJ)
JUDGE

MAY 26, 2022

Vishal sharma

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