

114

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

CRWP-5053-2022

Date of decision : 26.05.2022

Varsha Kakkar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shiva Khurmi, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ especially in the nature of mandamus, seeking directions to the official respondent Nos.2 and 3 to consider the representation dated 02.05.2022 (Annexure P-1) moved by the petitioner seeking protection of life and liberty of the petitioner and her family members from the private respondent Nos.5 to 12.

Learned counsel for the petitioner has submitted that the petitioner has submitted representation dated 02.05.2022 (Annexure P-1) to respondent No.3-Senior Superintendent of Police, Mohali with respect to protection of life and liberty of the petitioner and her minor daughters and in the said representation, she has detailed the facts that have caused

reasonable apprehension in her mind with regard to her life and liberty.

Learned counsel for the petitioner has further submitted that the petitioner would be satisfied in case, the present Criminal Writ Petition is disposed of with direction to respondent No.3-Senior Superintendent of Police, to look into the representation dated 02.05.2022 (Annexure P-1) only with respect to protection of life and liberty of the petitioner and her minor daughters and to take appropriate action in accordance with law.

Notice of motion to respondent Nos.1 to 4 only.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of respondent Nos.1 to 4 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.3-Senior Superintendent of Police, looks into the representation dated 02.05.2022 (Annexure P-1) with a limited prayer for only protection of life and liberty of the petitioner and her minor daughters and takes appropriate action in accordance with law.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.3-Senior Superintendent of Police, to look into the representation dated 02.05.2022 (Annexure P-1) with a limited prayer for only protection of life and liberty of the petitioner and her minor daughters and after making necessary enquiries and assessing the threat perception to the petitioner, respondent No.3 shall take appropriate action in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.3 to make his independent enquiry/assessment with regard to

the representation with a limited prayer aforesaid.

In view of what has been observed above, the present Criminal Writ petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

26.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No