

112

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

CRWP-7734-2022

Date of decision : 16.08.2022

Mukhtiar Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Liaqat Ali, 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, in which two prayers have been made. First prayer which has been made is with respect to taking action against the private respondents and the second prayer which has been made is for the protection of life and liberty of the petitioner, who is a 91 year old lady.

Learned counsel for the petitioner has submitted that as far as the first prayer is concerned, in view of the law laid down by Hon'ble the Supreme Court of India in case titled ***Sakiri Vasu Vs. State of U.P. and others***, reported as ***2008(2) SCC 409*** and in ***M. Subramaniam and another Vs. S. Janaki and another, Criminal Appeal No.102 of 2011, decided on 20.03.2020***, he seeks permission of this Court to withdraw the present

petition with liberty to pursue alternative remedies in accordance with law.

Second prayer which has been made in the present petition is with respect to the protection of life and liberty of the petitioner, regarding which, the petitioner has moved a representation (Annexure P-3) before respondent No.2.

Learned counsel for the petitioner has submitted that a perusal of the said representation would show that there is a reasonable apprehension in the mind of the petitioner with respect to her life and liberty.

Learned counsel for the petitioner has submitted that the petitioner would be satisfied in case the present Criminal Writ Petition is disposed of with a direction to respondent No.2 to look into representation (Annexure P-3) on the limited aspect of protection of her life and liberty and after seeing threat perception, take appropriate action, in accordance with law.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent Nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2 looks into the representation (Annexure P-3) with a limited prayer for only protection of life and liberty of the petitioner and takes appropriate action in accordance with law.

This Court has heard the learned counsel for the parties and has perused the paper book.

In view of the statement made by learned counsel for the

petitioner with respect to the first prayer made, which is for taking action against the private respondents, the petitioner is permitted to withdraw the present petition qua first prayer, with liberty to pursue alternative remedies, in accordance with law.

With respect to the second prayer, which is for protection of life and liberty of the petitioner, the present Criminal Writ Petition is disposed of with a direction to respondent No.2 to look into the representation (Annexure P-3) with a limited prayer for only protection of life and liberty of the petitioner and after making necessary enquiries and assessing the threat perception to the petitioner, respondent No.2 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.2 to make his independent enquiry/assessment with regard to the representation with a limited prayer aforesaid.

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

16.08.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**