

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(260)

CRWP-9319-2020

Date of decision: - 13.07.2022

Shakuntla

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Present Criminal Writ Petition has been filed under Articles 226/227 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to ensure safety protection from the hands of respondents and also with a prayer to register case against the respondents under the SC&ST Act.

Notice of motion was issued in the present case and the respondent-State has filed its reply.

Learned State counsel has referred to the said reply, more so para No.2, which is reproduced as under: -

"2. That the petitioner has not come with clean hands and has concealed the real material, true and imminent facts from this Hon'ble Court. The detailed facts of the case for kind perusal of this

Hon'ble Court are detailed, as under: -

- i. That petitioner is habitual to file the complaints under S.C./S.T. Act against the innocent persons/government officers/employees with the sole motive to blackmail them on the point of money. The petitioner receives help from the Social Welfare Department and a detail of complaints filed by her along with the financial assistance obtained by her under the S.C./S.T. Act is enclosed with the reply for the kind perusal of this Hon'ble Court as Annexure R-1. The officials of Social Welfare Department have also recommended for their separate report to Initiate the legal action against the petitioner.*
- ii. That this Hon'ble Court has passed an order dated 24/09/2008 in CWP No.2705 of 2008 titled as 'Smt. Shakuntla Devi Vs. State of Haryana and others' being abuse on the process of law on the point that the petitioner is habitual in making false, frivolous, baseless and concocted allegations against the officers of various functionaries. The true typed copy of the order is enclosed with the reply for the kind perusal of this Hon'ble Court as Annexure R-2.*
- iii. That the complaints Annexure P-4 and P-5 of the petitioner have already been disposed and decided by the deponent (being Deputy Superintendent of Police, Head Quarter, Panipat) vide report dated 06/08/2020 and the same was seen and filed by the Superintendent of Police, Panipat on dated 17/08/2020. The true translated copy of the report is enclosed with the reply for the kind perusal of this Hon'ble Court as Annexure R-3. The relevant extract of the report for the kind perusal of this Hon'ble Court is as under:*

"During enquiry, it has been ascertained that Parveen wife of Amrender, Caste Jatt, R/o Village Risalu has filed a complaint and registered an FIR No.127 dated 27/02/2019, under Sections 354-A, 506, 34 of Indian Penal Code, at P.S. Quilla, Panipat and the investigation of which was done by L/HC Sonia, P.S. Quilla. Further investigation of the case was done by HC Amrit Lal, P.S. Quilla, Panipat. During the investigation, the husband of complainant namely Ramesh Kumar was arrested and confined in lockup and when he was to be produced before the

learned Court on 28/02/2019, he was taken out from the lockup and while going he requested for afresh in the bathroom to HC Amrit Lal, where accused Ramesh inflicted self injuries on his legs with the help of blade in the bathroom and tried to commit suicide. Thereafter on the statement of HC Amrit Lal an PIR No.130 dated 28/09/2019, under Section 309 of Indian Penal Code was registered at P.S. Quilla and produced him in both these cases before the learned Court. The complainant Shakuntla and her son Ashu have sought the relief of pre-arrest bail in FIR No.120 dated 20/02/2019, under Section 345-A, 506, 34 of Indian Penal Code, registered at P.S. Quilla, Panipat and joined in the investigation of the case and after their formal arrest, they were released on adequate security bonds. The final police report had been prepared in this case on 13/06/2019 and submitted it before the learned Court 25/07/2019 and the same is subjudice in the learned Court, so the complainant is filing false complaints against Inspector Virender, wherein no truth has been found, so the complaint may please be disposed of."

- iv. *That the petitioner has no apprehension to her life and liberty in any manner at the hands of the respondent No.5. Rather the petitioner is habitual lady to file the false and baseless complaints in conspiracy with her husband Ramesh and they are misusing their rights provided by the Constitution of India and the other subsequent Acts."*

Perusal of the above-said reply would show that it has been found that the petitioner is habitual of filing complaints under the SC&ST Act and the details annexed along with the reply would show that the petitioner had filed 13 complaints under the SC&ST Act against officials of various departments and even her husband Ramesh Kumar had filed seven such complaints, as has been detailed in Annexure R-1. Further, perusal of the reply would show that the petitioner had earlier filed a writ petition before this Court and after seeing that the petitioner is a habitual complainant, the Division Bench of this Court had dismissed the said writ

petition by observing that it is an abuse of process of law. The relevant part of the said order is as under: -

"Smt. Shakuntla Devi

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Present:- *None for the petitioner.*

*Mr. D.S. Nalwa, Additional Advocate
General, Haryana, for the respondents.*

Hemant Gupta, J.

None has put in appearance for the petitioner. Infact, none had put in appearance even on 25.4.2008 and 21.7.2008.

In para 1 of the written statement, detailed facts have been given in respect to habit of the petitioner in making false, frivolous, baseless and concocted allegations against the officers of variouis functionaries.

In view of the averments, made in the written statement, the present writ petition is an abuse of process of law. Consequently, the same is dismissed.

*sd/- Hemant Gupta
Judge*

*Sd/- Kanwaljit Singh Ahluwalia
Judge"*

It has been further highlighted that even an inquiry was carried out on the representations moved by the petitioner and the same had been found to be false.

None had appeared on behalf of the petitioner on 28.01.2022 as well as on 14.02.2022. Even today, no body has appeared on behalf of the petitioner to assist this Court.

Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner is a habitual complainant as well as the earlier writ petition filed by her, had been dismissed by a Division

Bench of this Court by observing the said facts and after stating that it is an abuse of process of law and also the fact that the representations filed by the petitioner have been found to be false, the present petition is dismissed.

July 13, 2022
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No