

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

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**CRWP-9763-2021 (O&M)
Date of decision: 04.05.2022**

RUDERVESH SHARMA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondent(s)

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

Present : Mr. Suvir Sidhu , Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure read with Article 226 of the Constitution of India with a prayer seeking issuance of a writ in the nature of *mandamus* directing respondent Nos.1 to 3 for protection of life and liberty of the petitioner, keeping in view the grave threat perceptions at the hands of respondent Nos.4 to 6.

Learned counsel for the petitioner has vehemently argued that the respondents are head strong persons having no respect for process of law and that they had forcibly broken the latches of the door and made entry through the main door of the house of the petitioner in order to extend threat to the petitioner. It is further contended that the incident in question was duly captured through the CCTV camera and a complaint in this regard was also furnished to the SHO as well as to the other authorities. However, no action has been taken against the private respondents without any valid explanation.

A status report by way of affidavit of Bikramjit Singh Brar, PPS,

DSP, Sub-Division Kharar-I, District SAS Nagar (Mohali) has been filed. The same was handed over to the office of the learned counsel for the petitioner on 27.04.2022. It is specifically stated in the said status report that insofar as the representation (Annexure P-3) is concerned, no such representation was submitted by the petitioner in the Police Station Balongi, District SAS Nagar as per official record. Further, adverting to the complaint (Annexure P-6) it has been stated that the same has been duly looked into and the allegations levelled therein were found to be false and as a result thereof the complaint in question stands filed in the office. The relevant extract of the status report is reproduced hereinbelow:-

- 4. That it is respectfully submitted that as regards the representation (Annexure P-3) is concerned, it is submitted that the said representation has not been received in PS Balongi, District SAS Nagar, as per the official record.*
- 5. That it is respectfully submitted that vide the present petition, the petitioner has prayed for issuance of a writ in the nature of mandamus to direct the official respondents to protect the life and liberty of the petitioner at the hands of the private respondents and to submit the status report relating to complaint (Annexure P-6).*

In response to the same, it is most humbly submitted that the representation /complaint (Annexure P-6) of the petitioner has been duly looked into and finding the allegations levelled therein to be false, the said complaint stands filed in the office. It is further submitted that no threat has been assessed to the life and liberty of the petitioner at the hands of private respondents No. 4 to 6 rather the petitioner has been found to be moving false complaint against the private respondents to take undue benefit in case/FIR No. 137 (supra) registered against him.

In this view of the matter, no further directions are required to be called for.

Hence, the present petition is dismissed as withdrawn, however, the petitioner is at liberty to take recourse to the alternative remedies available to him in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

May 04, 2022

S.Sharma(syr)

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