

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRWP-294-2023 (O&M)

Decided on : 30.05.2023

Labh Kaur @ Labho

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S. S. Kamboj, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

Mr. N. S. Dhillon, Advocate for respondents No. 5 to 8.

SANJAY VASHISTH, J. (Oral)

1. In the present protection petition, after hearing the petitioner on 22.02.2023, this Court passed the following order:-

“Present: *Mr. S. S. Kamboj, Advocate for
the applicant-petitioner.*

Mr. Vinay Kumar Gupta, AAG, Punjab.

Considering the plight of petitioner- Labh Kaur @ Labho, who is widow, aged 62 years, respondent No. 2-The DGP, Punjab, Punjab Police Head Quarter, Sector-9, Chandigarh, is directed to examine and submit his report in regard to the facts alleged in paragraphs No. 4 to 7 of the petition.

Paragraphs No. 4 to 7 are reproduced here-in below:

“4. *That respondent No.5/ son of the petitioner is drug addict and having anti social activities. That due to the reason, husband of the petitioner during his life time disowned him from his property. That husband of the petitioner with his hard earned money constructed a house and also got other things.*

5. *That respondent No.7 Parkash Singh is close neighbor of the petitioner. That son of the petitioner i.e. respondent No. 5 due to addiction of drugs etc. uses to sell the household articles and respondent No. 7 abets him to do illegal activities. That son of the respondent even sold the electricity generator to respondent*

Parkash without any necessity. Respondent Parkash Singh wants to grab the house of the petitioner.

6. *That after the demise of husband of petitioner, petitioner is the owner of the house. But son of the petitioner wants to sell the house to Parkash Singh etc. and due to the reason he is beating up the petitioner and use to abuse her verbally also. Even private respondents use to harass her at every moment. His son made number of complaints against petitioner to Police Station Julkha.*

Petitioner was called at police Station Julkha by the police and she kept under custody illegally for two days without any case against her. Respondent Parkash Singh and brother of wife of his son were also present there. They all including, SHO pressurized the petitioner to transfer the house in name of respondent No. 5. But petitioner refused to do so. Later-on, Sarpanch of the village on 15.04.2022 intervened and got released the petitioner from the police station.

7. *That respondent No. 5 and 6 are regularly beating the petitioner and even abusing her verbally and physically daily. That the CCTV cameras have already been installed in the house. That now respondent No. 6 often starts crying in the house or sometimes comes out in the courtyard with fewer cloths. This is being done so that petitioner left the house and handover the house to respondent No. 5 and 6. Everything is being record in the CCTV. That the private respondents are not even allowing the daughters of the petitioner to enter in the house”*

It is rarely seen that a mother would raise voice against her own son and then feeling compelled, approaching the High Court. In such a situation, it is obligatory for the Courts also, especially empowered with the writ jurisdiction to pass necessary direction to the Administration, if it is neither taking any action against the wrong doer, nor providing relief to the victim.

Therefore, respondent No. 2 is directed to get the matter enquired and then would prepare and produce a report suggesting therein that how petitioner can be got relieved from her

son i.e. respondent No. 5, who is causing pain and agony in the life of the petitioner. For making further inquiry, daughters of petitioner can also be joined to find out the truth.

Adjourned to 27.03.2023 awaiting the response of respondent No. 2. ”

2. Today, report dated 27.05.2023 by way of an affidavit of Gaurav Yadav, IPS, Director General of Police, Punjab, Chandigarh has been filed by learned State counsel. Same is taken on record. Registry is directed to tag the same at appropriate place.

3. He submits that complete story putforth by the petitioner in the petition and as addressed by him before this Court is a concocted version because as per enquiry conducted qua each and every aspect, it is found that Tarsem Singh-respondent No. 5 (son of the petitioner) is not a drug addict. In regard to the detailed enquiry answer has been given in paragraphs No. 13 and 14 of the status report, which says as under:

“13. That upon enquiry into the matter and perusal of documentary and other evidence shows that:

(1) There is no truth in the allegation that Tarsem Singh is a drug addict. This is supported by the report of dope test conducted on 10.03.2023 at Mata Kaushalya Government Hospital, Patiala and statement got recorded by Sukhwant Singh Sarpanch.

(ii) The documents show that Labh Singh father of Tarsem Singh had executed an affidavit to disown Tarsem Singh. Information in this regard was given in vernacular News Paper, but Tarsem Singh continued to reside in the house.

(iii) There is no truth in the allegation that Pakhar Singh abets any illegal activities of Tarsem Singh.

(iv) There is no truth that electricity generator was sold to Pakhar Singh by Tarsem Singh as electricity generator was found lying in the house and photographs of the same were clicked during the course of enquiry.

(v) There is no truth that in the allegations that Pakhar Singh want to grab the house of the petitioner as Tarsem Singh himself is residing in the upper portion of the house alongwith his family. Rather, Labh Kaur has filed an application under section 22 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for eviction of Tarsem Singh.

vi) There is no evidence except oral statements of Labh Kaur and her daughters to support the allegations that Labh Kaur is beaten up the petitioner and harassed at every moment.

(vil) During the course of enquiry, recording of CCTV cameras supplied by the petitioner Labh Kaur and her son Tarsem Singh were examined through Cyber Cell, Patiala. As per the report of Cyber Cell, Patiala nothing as alleged by the petitioner that respondent No. 5 and 6 regularly beat the petitioner and abuse the petitioner daily and that Respondent No. 6 often starts crying in the house and sometimes comes out in the courtyard in fewer clothes, has been found in the CCTV footages.

(vii) The statement of Sukhwant Singh Sarpanch show that complaints and counter-complaints were made by Labh Kaur and Tarsem Singh for which they had gone to the

Police Station.

(viii) There is no evidence to support the allegation that SHO pressurized the petitioner Labh Kaur to transfer the house to Tarsem Singh.

(ix) Sukhwant Singh Sarpanch had intervened during the dispute to bring Labh Kaur and Tarsem Singh back from Police Station with assurance to settle the matter with his intervention.

(x) The allegation that Tarsem Singh and Sonia regularly beat up the petitioner Labh Kaur are not supported by any evidence.

(xi) Labh Kaur and her daughters have filed litigation against Tarsem Singh which show that there is an ongoing domestic disputes between mother Labh Kaur and her son Tarsem Singh regarding possession of their residential house in village Mehon, Police Station Julkan. The daughters of Labh Kaur usually take the side of their mother. Labh Kaur resides on ground floor of the house whereas Tarsem Singh resides on the upper floor of the house alongwith his family.

- 14. That the enquiry officer has reported that the matter relates to a domestic dispute between the mother and son. A General Diary Entry No. 16 dated 01.02.2023 has been entered regarding complaint No. 25/5D dated 28.01.2023 given by Labh Kaur against her son Tarsem Singh, Sonia wife of Tarsem Singh, Pakhar Singh son of Gurmukh Singh, residents of village Mehaun and Bunty son of*

Harbans Singh, resident of village Jogipur for evicting Labh Kaur from her house after beating her.

** In this regard, a preventive action under sections 107/151 of Code of Criminal Procedure, 1973 has been taken against Tarsem Singh son bh Singh, Pakhar Singh son of Gurmukh Singh and Bunty son of Harbans Singh, who were arrested and lodged in police custody. Proceedings under section 107/150 of Cr.P.C. were initiated against Sonia wife of Tarsem Singh. No further action by police is required in the matter. ”*

4. Mr. Gaurav Garg Dhuriwala, Addl. A. G., Punjab, also points out that already petitioner- Labh Kaur @ Labho has filed an application before the Deputy Commissioner, Patiala under Sections 22 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for eviction of Tarsem Singh. It is also pointed out that in addition to the said application, one civil suit has also been filed by the petitioner alongwith her three daughters, namely, (I) Babli Devi wife of Jarnail Singh (ii) Sunita Kaur wife of Jagtar Singh and (iii) Harpreet Kaur wife of Balwinder Singh. Said civil suit is for claiming under Section 372 of Indian Successions Act, which is pending adjudication before the Court of Civil Judge (Junior Division), Patiala.

5. On being pointing out to the counsel for the petitioner by the Court that why these material facts are not mentioned in the petition i.e. already instituting a civil suit as well as an application under Sections 22 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Deputy Commissioner, he has expresses his helplessness, only by saying that no such instructions. were passed on to him by the petitioner.

6. Be that as it may, after considering the pleadings in the petition as well as the status report filed by the State and submission made before this Court by Mr. Gaurav Garg Dhuriwala, Addl. A. G., Punjab, coupled with the fact that material facts have been concealed before this Court by the petitioner. I do not find any reason to entertain the prayer made in the present petition, thus, same deserves dismissal.

7. Accordingly, present petition stands dismissed.

8. Miscellaneous application(s), if any, be also stands disposed of.

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(SANJAY VASHISTH)
JUDGE

30.05.2023

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>