

CRWP-353-2023

- 1 -

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

103

CRWP-353-2023

Decided on : 11.05.2023

Kuldeep Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. G.S. Randhawa, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Order dated 13.01.2023, says as under:-

“ *Petitioner claiming herself to be destituted and widow lady, aged 39 years, has filed present petition seeking Writ of Mandamus, directing the respondents to protect life and liberty of the petitioner and her family members at the hands of respondents No.6 to 8.*

Para Nos. 2 & 3 of the present petition says as under:-

“2. *That the brief facts of the case are that the petitioner is destitute and widow lady and law-abiding citizen of the country and does not having any criminal record even nor any her family members. The marriage of the son of petitioner was solemnized few months ago and she also belong to the poor family and the livelihood of her entire family runs on the hard work of her son.*

3. *That on 15.12.2022, the time was around 12 PM of the day, the petitioner was present in her house along with her daughter in-law and abovesaid all police officials i.e., Respondents No. 6 to 8 forcefully entered in the house of petitioner. When the petitioner asked the reason to abovementioned Respondents No. 6 to 8 for entering her*

house then respondents No. 6 to 8 used filthy abusees language with the petitioner and her family members and stated that where is your Son Rajwinder Singh and we have to arrest him. when the petitioner and her daughter in-law asked to respondents No. 5 to 8 the reason of arrest and the fault of his son/husband then they were started the filthy abuses to the petitioner and her daughter-in-law. Furthermore, When the petitioner was asked to show any documents /warrants of arrest and FIR against the son of the petitioner but respondents No.6 to 8 did not show any order of the court and nor any copy of the FIR. Thereafter, Respondents No. 6 to 8 forcefully entered into the rooms of the house and started to throwing the things to outside from the rooms. when the petitioner and her daughter in-law opposed the same, then, the respondents No.6 to 8 stated that they came along with order of the court but they did not show the same to the petitioner. However, when the abovesaid Respondents No. 6 to 8 did not find anything objectionable in the house, then the Respondents No. 6 to 8 demanded the money from petitioner by saying that if you want to save your son then give us money even if you did not pay the money, then, the respondents No. 6 to 8 along with other officials will pick up the son of the petitioner and implicate him in the false case.”

Since the allegations raised in the present petition are against the police officials i.e. respondents No.6 to 8, of forcibly entering into the house of petitioner, Mr. J.S. Arora, DAG, Punjab, who is present in Court, is directed to file status report in the matter.

Adjourned to 31.01.2023. ”

2. In the status report dated 31.03.2023/10.04.2023, filed on behalf of respondents No.1 to 5, it has been explained that a detailed inquiry was conducted and the complaints made by the petitioner, were found false. Learned State counsel submits that in fact, this is a proxy petition, because, son of the petitioner got it filed through his old age mother. In the petition,

nothing has been mentioned about the conduct of Rajwinder Singh @ Raja, who is son of the petitioner.

3. Learned State counsel refers to para No.5 of the said status report, which says as under:-

“5. That on receipt of the aforesaid application, the respondent No.3 marked the aforesaid application to Deputy Superintendent of Police (Headquarters), Amritsar (Rural) for the verification of alleged facts and submissions of a detailed report thereafter. The Deputy Superintendent of Police, (Headquarters), Amritsar (Rural) has conducted a detailed enquiry by joining both the petitioner and respondents No.6 & 7 and other respectable persons. During the enquiry, it was found that Rajwinder Singh alias Raja son of applicant was running an Instagram ID in the name of rajagill866 and he used to post his photographs with different weapons. It was further reported that when the register of license holders was checked, it was found that no firearms license was issued in the name of Rajwinder Singh, son of the petitioner. So, the notice under section 160 Cr.P.C. was issued to Rajwinder Singh alias Raja but he did not turn up inspite of service of notice under section 160 Cr.P.C. through his mother. During the enquiry, the petitioner could not produce any solid evidence regarding the harassment or demanding of money or threatening to falsely implicate her son in false case. It was further reported that the petitioner was filing the false complaints by making the allegations against the respondents No.6 to 8 in order to save her son from legal proceedings. The true translation of the aforesaid enquiry report dated 28.02.2023 is attached herewith for the kind perusal of this Hon’ble Court as Annexure R-1/T.”

4. Faced with the situation, counsel for the petitioner seeks withdrawal of present petition, and submits that he be granted liberty to seek alternative remedy available to her under the law.
5. Dismissed as withdrawn with liberty, as sought and recorded hereabove.

(SANJAY VASHISTH)
JUDGE

May 11, 2023
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No