

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

(220)

CRWP-2129-2023

Date of decision: - 17.08.2023

Raj Kumar and others**....Petitioners****Versus****State of Punjab and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. J.P. Devgan, Advocate
for the petitioners.

Mr. Rohit Bansal, Sr. DAG, Punjab
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ in the nature of mandamus for directing the respondents No.2 and 3 to protect the life and liberty of the petitioners as well as their family members from the hands of respondents No.6 to 9 and also to restrain the respondents from implicating them in a false criminal case.

2. A perusal of the representation dated 25.02.2023 (Annexure P-23) would show that FIR No.77 dated 09.05.2022, under Sections 379, 411 (added later on), 427, 186 and 149 IPC and Section 25 of the Arms Act, 1959 has been registered against petitioners No.1 to 5. Although it has been argued by learned counsel for the petitioners that the said petitioners have been falsely implicated in the said case, but there is nothing on record to show that any challenge has been made to the said

FIR or any Court has adjudicated that the said FIR is false, thus, at present petitioners No.1 to 5 are accused persons in the said FIR No.77 dated 09.05.2022. Further perusal of the said representation would show that no incident, much less, the place and time of any such incident has been mentioned in the representation so as to even remotely show that there is any apprehension to the life and liberty of the petitioners. On a query raised by this Court to learned counsel for the petitioners with respect to there being any specific averment on the said aspect, learned counsel for the petitioners has referred to page 69 of the paper-book, in which, it has been stated that after the registration of the FIR, on 24.04.2023, the accused persons as well as their accomplices in connivance with each other have threatened the petitioners and their family members to eliminate them or to implicate them in some other false criminal case. No place where the said incident had taken place or the time has been mentioned. The respondent-State has filed the status report dated 16.08.2023, by way of affidavit on behalf of respondents No.1 to 3. In paragraph 9 of the said status report, it has been averred that the representation submitted by the petitioners has been taken into consideration and an enquiry regarding the same has been conducted by the Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran and during the enquiry, no facts regarding threats and danger by respondents No.6 to 9, to the lives of the petitioners were found.

3. From the above, it is apparent that the present criminal writ petition has been filed only to restrain the police authorities from taking further action with respect to FIR No.77 dated 09.05.2022, which has

been registered against petitioners No.1 to 5. The prayer made by the petitioners to the effect that the respondents be restrained from implicating the petitioners in criminal proceedings cannot be granted as no injunction can be issued to restrain the authorities from registering a criminal case. It is only after a case is registered and thereafter challenged, the question as to whether the same is a case of false implication or not can be seen after considering the allegations levelled in the FIR and also after considering the rival submissions made on behalf of the accused and the prosecution.

4. In view of the above, the present criminal writ petition is misconceived and deserves to be dismissed and accordingly, the same is dismissed.

August 17, 2023
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes