

258-A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16493-2019 (O&M)

Date of decision: 10.08.2023

Reshma and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Vishal Sharma, Advocate,
For the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to respondent No.3-Onkar Singh Brar, SHO of Police Station, Satnampura, Tehsil Phagwara, District Kapurthala, not to intrude into the privacy of the petitioners and their family members by raiding their house at odd hours. They are being harassed time and again by calling them at police station for no reasons.

2. Brief facts of the case as pleaded are, that petitioner No.1 was an ex-sarpanch of village Kirpalpur and petitioner No.2 is husband of petitioner No.1. She contested for the post of Sarpanch again but could not succeed. Rivals in the village began to make sure that they cannot participate in the village elections any more by conniving with the police officials and trying to implicate them in any false case. Now petitioners are being threatened by respondent No.3 that they should leave the village and settle outside till the time he was posted there as he will not allow them to stay in village. Petitioners are not involved in criminal case except one case of injury, which is pending against petitioner No.2-Lakhwinder Singh in which he is facing trial. Petitioners are/were being harassed time and again by the respondents. Petitioners submitted representation dated 25.03.2019 (Annexure P-2) before the higher authorities but to no avail. Hence, the present petition.

3. Learned State counsel, at the outset, submits that reply has already been filed which is on record. Relevant of the same is reproduced hereinbelow:

“6. That apart from it, false representations/ complaints were also given by petitioner no.2 & his relatives. The said representations were marked by Superintendent of Police Kapurthala to Senior Superintendent of Police, Sub-Division Phagwara for inquiry. The Superintendent of Police conducted a detailed inquiry and found the above stated representations false and no truth was found in it. The petitioners had also moved a representation i.e. Annexure P-4, which has also been found false and has been consigned to record room vide inquiry dated 01.06.2019. The said inquiry report dated 01.06.2019 has also been approved by SSP Kapurthala. The copy of the inquiry report dated 01.06.2019 is attached as Annexure R-5/5. It is also relevant to mention here that the statements of villagers were also recorded, who gave a joint statement specifically stating that the complaints given by relatives of petitioners are false and these persons are actively involved in selling Narcotic Substance. The copy of joint statement of villagers including Gram Panchayat is attached as, Annexure R-5/6.”

4. Perusal of the report reveals that no further action is warranted on the part of this Court, merely on the basis of affidavits. Petition is disposed of with liberty to the petitioners to seek appropriate remedy before learned Court below, in accordance with law, if so advised.

5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

10.08.2023

Vandana

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