

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

263

CRM-M-37715 of 2020

Date of Decision:02.08.2023

Pradeep Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankit Joshi, Legal Aid Counsel,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking directions for the official respondents to perform their legal statutory duty and take action against the private respondents and to protect the life and liberty of the petitioner and his family at the hands of the private respondents.

2. Learned counsel who has recently been engaged by the petitioner in the present case through the legal aid has submitted that no action has been taken on the representation of the petitioner in this regard.

3. However, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that rather a detailed reply has been filed by the State in the form of a status report by the Deputy Superintendent of Police, Palwal and while referring to the same, he submitted that on the basis

of representation of the petitioner, a detailed inquiry was conducted by joining of many of the co-villagers. On the basis of the statements of the co-villagers, no truth was found in the allegations levelled by the petitioner in his representation and apart from the above, the petitioner was found to be quarrelsome person and during inquiry no danger to life and liberty of the petitioner was found. Furthermore, no encroachment by the villagers was found on any part of Panchayat land. The petitioner was also stated to be not living in the village. All the allegations were found to be baseless. It was also found that the petitioner keeps moving applications against the private respondents just to create pressure upon them to compromise in FIR No.686/2019, P.S. City, Palwal. It has further been stated in the affidavit that the petitioner alongwith some other co-accused had attacked Bharat son of Ranvir and caused injuries to him and thereafter aforesaid FIR was registered against the petitioner and others and now they are facing trial before the learned trial Court at Palwal.

4. I have heard learned counsel for the parties.

5. At the outset, it may be noticed that the petitioner had earlier also filed a petition before this Court seeking the same relief which has been sought in the present petition and the same was disposed of by a co-ordinate Bench of this Court in CRM-M-35787 of 2020 on 04.11.2020 vide Annexure P-5 with a direction to the Superintendent of Police, Palwal to look into the matter and to

dispose of the representation Annexure P-4 expeditiously in accordance with law. However, the present petition has been filed by the same petitioner on 10.11.2020 just six days after the aforesaid order which has been passed for seeking the same relief. This Court is of the *prima facie* view that the present petition was not even maintainable because qua the same relief the second petition has been filed just after six days.

6. Even otherwise also, on merits, it is a case where the petitioner is seeking directions to the official respondents to perform their legal statutory duty and to take legal action against the private respondents on the basis of the representation given by him vide Annexure P-4. In the representation, the petitioner has stated that the private respondents are in unauthorised possession of the Gram Panchayat land and the petitioner is fighting against the illegal encroachment but they are continuously threatening the petitioner. However, a perusal of the affidavit filed by the Deputy Superintendent of Police would show that an inquiry has been conducted in this regard in which it was found that there was no truth in the allegations levelled in the representation and on the other hand, the petitioner was found to be quarrelsome person and during inquiry no danger to the life and liberty of the petitioner was found. Even no encroachment by any villager was found on any of the Gram Panchayat land. The petitioner is also stated to be not living in the village and all the allegations were found to be baseless. Since the

prayer made in the present petition is for seeking directions to the official respondents to perform their legal statutory duty and to take legal action against the private respondents, the affidavit filed by the police would show that they have already conducted inquiry as aforesaid and found the allegations levelled by the petitioner baseless and therefore nothing survives in the present petition.

7. Dismissed being devoid of merits.

(JASGURPREET SINGH PURI)
JUDGE

August 02, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No