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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-22.08.2023

Anisha Modi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Malkit Kaur, Advocate for
Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed invoking the Articles 226/227 of the Constitution of India *inter alia* praying for issuance of writ in the nature of Mandamus to protect the life and personal liberty of the petitioner, who is allegedly, being harassed and threatened by respondents No. 3 & 4 at the behest of respondent No.5 for compelling her to withdraw the complaint dated 10.05.2023 bearing PGD No. 159506 (Annexure P-7) and for deciding the representation dated 26.07.2023 (Annexure P-9).

2. Learned counsel for the petitioner has submitted that the parents of the petitioner expired on 12.03.2020 and 10.04.2020 and relied upon Annexure P-1 and Annexure P-2. After the death of her parents, the petitioner approached the Bank on 28.04.2020 and informed officials about

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the demise of her parents and requested for seizing all the accounts and lockers in the name of her parents by submitting applications (Annexures P-3 to P-6).

3. Subsequent thereto, the petitioner moved an application (Annexure P-7) to the Commissioner of Police, Ludhiana for registration of a criminal case against respondent No.5, who is none other than the brother of the petitioner, alleging connivance with other persons and commission of certain illegal acts.

4. Subsequent thereto, the said complaint was investigated and the statement of Anisha Gupta @ Anisha Modi was also recorded i.e (Annexure P-8), although the date of statement is not coming forth.

5. After the said statement was recorded, the petitioner vide a communication dated 26.07.2023 (Annexure P-9) has raised allegations that respondent No. 3 is pressurizing the petitioner to withdraw the complaint and had been forced to sign the statement for withdrawal of said complaint and also certain blank papers were forcibly got signed by respondent No.4-Incharge EO Wing. Thereafter, the present petition has been filed seeking protection of life and personal liberty of the petitioner, who is being harassed and threatened by respondents No. 3 & 4 at the asking of respondent No. 5, for the purpose of compelling the petitioner to withdraw the complaint dated 10.05.2023 bearing PGD No. 159506 (Annexure P-7).

6. Learned counsel for the petitioner has vehemently argued that respondent No.3 is hand in glove with respondent No. 5 and is bent upon to cause harm to the petitioner.

7. *Per contra*, learned State counsel on instructions from

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ASI Jagdev Singh has submitted that all the averments and submissions made by the petitioner are vague, evasive and mis-leading and only an effort is being made by the petitioner to pressurize the Investigating Agencies to bent to her demands by filing this petition. The complaint made by the petitioner is already being looked into by a Senior Officer and the inquiry is complete of which she is aware and the matter is pending before DA Legal for his final opinion, so that further action could be taken.

8. After hearing learned counsel for the petitioner as well as the State counsel at length, it transpires that the three allegations against respondent No. 3 *inter alia* are that he has pressurized the petitioner for withdrawal of the complaint. Secondly, that he has forcibly taken signatures of the petitioner on some statements and; thirdly, that he has taken signatures of petitioner on some blank papers in connivance with respondent No.4. All the allegations seem to be vague and evasive and does not inspire any confidence at all. The petitioner has failed miserably in demonstrating even a single incident of any threat perception to her. She could not point out even a single line from her detailed statement (Annexure P-8) running into almost 13 pages, which could demonstrate her case sought to be set up.

9. Apparently, it comes out that it is a money dispute between the brother and sister and this Court is being misused and it is a clear case of misuse of the provisions of Article 226 of the Constitution of India and the petitioner has not approached the Court with clean hands.

10. The respondent-Authorities are investigating into the matter and it is expected that, in fact, the authorities are duty bound to do their

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duty in a lawful and honest manner. There is nothing on record to show other way round. However, it is made clear that the authorities shall complete the inquiry and the investigation on the basis of the initial complaint and the statement(s) made by the petitioner, in accordance with law.

11. Since the present petition is an abuse of process of law and it is a fit case where the petitioner deserves to be imposed with exemplary cost, however, taking a lenient view, no cost is imposed on the petitioner.

12. In light of the above, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

August 22, 2023
Parul

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