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2023:PHHC:071341

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-W-702-2023 In/And
CRWP-11330-2022
Date of Decision:17.05.2023

M/s Art Housing Finance (India) Ltd. ...Petitioner

vs.

State of Haryana and others ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Jatin Bansal, Advocate with
Ms. Keerti Sandhu, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-W-702-2023

Prayer in the application filed under Section 482 Cr.P.C. is for placing on record the additional affidavit.

Application is allowed, subject to just all exceptions. Additional affidavit is taken on record.

CRWP-11330-2022

The petitioner has filed the present petition under Article 226 of the Constitution of India seeking various reliefs, however, he has confined his prayer to the protection of life and liberty as he apprehends imminent threat at the hands of respondents No.1 to 12 and submits that for other reliefs prayed in the instant petition, he shall avail his alternative remedies in accordance with law.

Learned counsel for the petitioner submits that the petitioner had taken the physical possession of secured assets in compliance of the order dated 16.12.2021 (Annexure P-1) passed by District Magistrate, Sonipat. However, during regular inspection of the mortgaged premises, the petitioner came to know that the borrower had broken the locks and seal of the mortgaged property and was staying in the said premises. Even the complaint as well as various representations were filed to the Senior Police Officers, but no action was taken against respondents No.10 to 12. Learned counsel further contends that even till now, respondents No.10 to 12 are extending threats to them.

A status report by way of an affidavit of Assistant Commissioner of Police, Gohana, Sonipat has been filed on behalf of official respondents. Learned State counsel submits that a fair and impartial investigation was conducted and both the parties were issued notices to join the enquiry. Thereafter, both the parties joined the enquiry by appearing in Police Station City, Gohana and placed on record a compromise deed dated 19.12.2022 (Annexure R1) and since the parties had entered into a compromise, no further action was taken in the matter.

Learned counsel for the petitioner has placed on record an affidavit of the authorised representatives of the petitioner company and contends that during the course of enquiry, the petitioner was pressurized to enter into a mutual compromise with the private respondents under the misuse and undue influence of their authority. He further contends that even the signatures of the authorised representatives of the petitioner company were forcibly obtained on 19.12.2022 and the police officials rather pressurised the company officials to settle the matter detrimental to the economic interests of the company.

I have heard the learned counsel for the parties and with their able assistance, I have gone through the records of the case.

During the course of hearing, learned State counsel submits that the police is duty bound to protect the life and liberty of the petitioner company and its officials. He further contends that in case any person tries to take forcible possession of the secured assets/mortgaged property illegally and there is any breach of peace, proper action shall be taken in accordance with law. He has further assured the Court that in case any complaint is received from any authorised person of the petitioner company, proper steps will be taken strictly in accordance with the provisions of law.

In view of the assurance made by learned State counsel, no further directions are required and the petition is accordingly disposed of.

Needless, to say that the petitioner shall be at liberty to avail his other alternative and efficacious remedies in accordance with law with regard to the other reliefs claimed in the instant petition.

17.05.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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