

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-11013-2023

Date of Decision : November 14, 2023

JOGINDER SINGH AND OTHERS

-Petitioners

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Brijesh, Advocate
for the petitioners.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as filed under Article 226 of the Constitution of India, the petitioners have sought issuance of directions upon the official respondents to ensure protection of their lives and liberty at the hands of private respondents.

2. The learned counsel for the petitioners states that due to some property dispute, the petitioners are being threatened and harassed by the private respondents, who are their distant relatives. The petitioners had approached the respondent No.2 with a representation (Annexure P3), wherein, a prayer was made for registration of FIR against the private respondents and also for protecting their lives and liberty at the hands of said respondents. However, the Superintendent of Police, P.B.I., O.C and Narcotics, Hoshiarpur, through an order made on 25.08.2023 (Annexure P-4), denied to take any action upon representation (supra).

3. I have perused the representation (Annexure P-3), as also the order made thereon (Annexure P-4). The order (Annexure P-4) makes revelations that it has been recorded after making detailed inquiry. The

author of Annexure P-4 has recorded clear findings that the allegations, as levelled by the petitioners in their representation (supra), are not supported by any cogent independent witness or evidence, which consequently renders them to be baseless and vague. Moreover, the instant petition does not throw any challenge to the order (Annexure P-4).

4. Nonetheless, even if assumingly the dual reliefs, as sought to be achieved by the petitioners in the representation (Annexure P-3), inasmuch as, (i) registration of FIR and (ii) protection of their life and liberty, were declined through the drawing of order (Annexure P-4), and, assumingly if the said reliefs are now claimed before this Court, yet this Court is not inclined to grant the asked for reliefs, as the petitioners have alternative remedies for that purpose.

5. Insofar as the registration of FIR against private respondents is concerned, the petitioners have an alternative remedy to approach the Illaqa Magistrate concerned, through recouring the mandate as comprised in Section 156(3) of the Cr.P.C.

6. Adverting to the second relief of the petitioners, which pertains to protection of their life and liberty, as they allegedly apprehend danger at the hands of private respondents, in case they enter their own property. In this regard, the petitioners can well institute a suit for injunction against the private respondents concerned, if they are indeed causing any hindrance for the petitioners to reap the fruits of their own property. However, except written allegations and some photographs, there is nothing on record to substantiate that the property in question belongs to the petitioners. In such circumstances, the instant petition appears to have been filed may be for some oblique motive.

7. Moreover, what erupts from a naked eye scrutiny of the instant petition, as also the representation (Annexure P-3), is that, though there is mention of a civil dispute inter se the parties, qua which a case is allegedly pending before the learned Civil Judge (Junior Division), Jalandhar, however, the fate of said civil suit has not been disclosed anywhere.

8. A presumption is always there that the administrative authorities are well discharging their functions and are ensuring protection of life and liberty of each citizen of this land. Therefore, at this stage, in the absence of any cogent and convincing evidence, except oral assertions qua pendency of a civil dispute inter se the parties, no interference is warranted.

9. Therefore, for all the reasons (supra), the instant petition is a misconceived motion, as the petitioners have alternative remedy(ies) (supra) for redressal of their grievance(s). Consequently, at this stage, this Court refrains from making any observation and as such, no intervention is called for. Accordingly, the writ petition is dismissed, however, as prayed for by the learned counsel for the petitioners, liberty is reserved to the petitioners to avail all available alternative statutory remedies before the appropriate forum/authority concerned.

November 14, 2023
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(KULDEEP TIWARI)
JUDGE

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