

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1431-2024
Date of Decision:06.03.2024

Sanjeev Walia and Anr.

...Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Devansh Khanna, Advocate
for the petitioners.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Respondents No.4 and 5 in person.

N.S.Shekhawat J.

1. The petitioners, who are senior citizens, have filed the present petition with a prayer to direct the respondents No. 1 to 3 to protect the lives and liberty of the petitioners at the hands of respondents No.4 and 5, who are harassing the petitioners and are threatening them to withdraw the FIR No. 438 dated 06.12.2023 under Sections 323 and 506 of IPC, Police Station Sector-5 Panchkula (Annexure P-4), which was lodged by the petitioners against the respondents No.4 and 5.

2. Learned counsel for the petitioners submits that both the petitioners are residing in their house at Sector 10, Panchkula. The petitioner No.1 retired as a Senior Manager from UCO Bank in the year 2019, whereas petitioner No.2 has retired as Assistant Manager from Central Bank of India in the year 2023.

3. The two daughters of the petitioners are married and are settled

abroad. Unfortunately, son of the petitioners died in a car accident in the year 2015. Since the daughters of the petitioners were living abroad, they decided to rent out the first and second floor of their house in Sector-10 Panchkula. Both the petitioners are old and infirm persons and are residing at the ground floor of their house. In May 2022, respondents No.4 and 5 requested to take first floor of the house on rent. It was projected that both of them were married and were employed. Consequently, the petitioners had handed over the possession of first floor to respondents No.4 and 5. However, after shifting in the house of the petitioners, the respondents No.4 and 5 started raising frivolous issues and were not co-ordial at all with the petitioners. In the month of December 2023, the petitioners asked the respondents No. 4 and 5 to pay the outstanding amount of rent, but instead of paying the rent, the private respondents started threatening the petitioner No.1 of dire consequences. On 04.12.2023, the petitioner No.1 requested the private respondents to pay the rent, but the respondent No.5 took a stick and started beating the petitioner No.1 mercilessly. On hearing his cries, the petitioner No.2 reached at the spot to protect the petitioner No.1, however, both the respondents also started beating her also. Both the petitioners were saved by the neighbours of the locality and were shifted to Civil Hospital, Sector-6, Panchkula and their MLRs (Annexures P-1 and P-2), are conducted by the doctors. Learned counsel for the petitioners also referred to the photograph Annexure P-3, which clearly showed that the petitioner No.2 was bleeding profusely from her head. Ultimately, on the basis of the complaint submitted by the petitioners, FIR No. 438 dated 06.12.2023 under Sections 323 and 506 of IPC (Annexure P-4) was registered against respondents No.4 and 5

at Police Station Sector-5, Panchkula.

4. Learned counsel for the petitioners further submits that after the registration of the FIR (Annexure P-4) the respondents No.4 and 5 had become more aggressive and would also knock at the doors of the petitioners late night also. Even they started terrorising the petitioners and threatened them to withdraw the FIR (Annexure P-4) otherwise they would face dire consequences. The petitioners also submitted various representations to the official respondents, but no action was taken to protect their lives and liberty and ultimately, they approached this Court with the above stated prayer.

5. A reply has been filed by way of an affidavit of Assistant Commissioner of Police, Panchkula on behalf of respondents No.1 to 3 and the same is taken on record.

6. Learned State counsel submits that a dispute with regard to the payment of rent was going on between the petitioners and respondents No.4 and 5. Even respondents No.4 and 5 had already filed a rent petition, which was pending on 03.04.2024. Apart from that, the FIR (Annexure P-4) was registered against respondents No.4 and 5 and the challan had already prepared against them and the same was likely to be filed shortly before the Court of Illaqua Magistrate, Panchkula. It was also stated that the enquiry in the representation submitted by the petitioners was being conducted and the statements of the neighbours and other persons were yet to be recorded by the police. However, learned State counsel submits that the local police is duty bound to protect the lives and liberty of both the petitioners and in case, any application/information is received from the petitioners, appropriate necessary action shall be taken in

accordance with law.

7. On the other hand, respondents No. 4 and 5 appeared in person and filed a detailed reply in the present case. The respondents No.4 and 5 stated that the FIR (Annexure P-4) was got registered by the petitioners by using their influence, whereas, respondents No.4 and 5 had also suffered injuries and they had submitted a counter complaint to the police in this regard. It was stated that the petitioners were attempting to extort money from the respondents and the respondents had paid entire rent to the petitioners. It was also stated that the petitioner No.1 had admitted during a telephonic conversation with respondent No.5 that the petitioner No.1 had received the rent prior to November 2023. The respondents further stated that they had filed a rent petition before the Court of Rent Controller, Panchkula and the matter was subjudice before the Court of Rent Controller and they had been making payment of the rent regularly to the petitioners. Both the respondents stated that the petitioners had moved false complaint against them and no action has been taken by the police on the complaints submitted by both the petitioners.

8. I have heard learned counsel for the petitioners, learned State counsel as well as respondents No.4 and 5 at length.

9. At this stage, the main issue before this Court is with regard to grant of protection of lives and liberty of both the petitioners, who are living in their house and allowing respondents No. 4 and 5 to live on their first floor as tenants had cost them dearly in the twilight years of their lives. In fact, both the petitioners had three childrens. However, his two daughters are married and are settled abroad. Unfortunately, the petitioners lost their son in a car accident

in the year 2015 and had rented out the first and second floor of their house, to have the company of their tenants in their old age, however, instead of living peacefully, the respondents have bothered both the petitioners to such an extent that they had to knock the doors of this Court for redressal of their grievances.

10. During the course of hearing, the respondents No. 4 and 5 stated that the petitioners had also caused injuries to them and they had submitted a representation to the police in this regard. However, they would be at liberty to avail their remedies, in accordance with law. Apart from that, the respondents No. 4 and 5 have already approached the Rent Controller with regard to the tenancy dispute/rent dispute between the parties and both the parties will be at liberty to raise their respective pleas before the Rent Controller in this regard.

11. However, from the pleadings of the parties, it is apparent that both the petitioners are being continuously harassed by respondents No. 4 and 5, who are living on the first floor of their house. Even the petitioners have already submitted a representation to the local police, but no action has been taken so far. In fact, traditional norms and values of the Indian society have led much stress on providing the care for the elderly. However, due to withering of the joint family system and diminishing social values, large number of elderly are not even looked after by their own family. Even the ageing has become a major social challenge and there is always need to give more attention to the care and protection for the older persons and being a constitutional Court, there is an obligation on this Court to issue appropriate directions to ensure the safety of lives and liberty of the petitioners and to further ensure that they are not

harassed by the private respondents or by any official, at the instance of private respondents.

12. Keeping in view the aforesaid facts, I direct the private respondents No. 4 and 5 to maintain law and order and should not attempt to abuse and cause harassment to the petitioners. In case, it is found that they are not adhering to the directions and trespass in the residential accommodation and possession of the petitioners or encroach upon their privacy, the Commissioner of Police and the concerned Deputy Commissioner of the Police, on being informed are directed to ensure the strict compliance of this order. They are further directed to make an attempt to negotiate between the parties in arriving at some settlement, if possible.

13. Needless to observe that, respondents No. 4 and 5 shall also be at liberty to avail their remedies, if any, in accordance with law and also to pursue their rent petition before the Rent Controller, Panchkula, in accordance with law.

14. With the aforementioned directions, the present petition stands disposed off.

06.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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