

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRWP No.2260 of 2024 (O&M)

Date of Decision:12.03.2024

Parveen Kaur

... Petitioner

Versus

Union Territory Chandigarh and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Gitesh Sharma, Advocate  
for the petitioner.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect the life and liberty of the petitioner at the hands of respondents No.4 to 7 and to register an FIR under the relevant Sections of Indian Penal Code, 1860 on the representation dated 20.06.2023 (Annexure P-1) given by the petitioner, with a further prayer to handover the enquiry/investigation on the representation (Annexure P-1) to some other senior officer not below the rank of Deputy Superintendent of Police.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has taken the house on rent from respondents No.4. Respondent No.5 and 6 are the wife and daughter respectively of respondent No.4. Respondent No.7 is the son of respondent No.6. It is further contended that respondents No.4 and 7 are harassing the petitioner on one pretext or the other and pressurizing her to vacate the premises. The petitioner requested to respondents No.4 to 7 that

she is not in a position to vacate the premises immediately but the private respondents are adamant to get the premises vacated forcibly. It is further contended that the petitioner has been paying rent of Rs.14,000/- per month regularly. Copies of receipt of security as well as rent for the month of March, 2022 are attached with the petition as Annexure P-2. On the intervening night of 13/14.06.2023 at about 12.14 AM when the petitioner reached the house in question, she found the main gate locked from inside. She rang the door bell repeatedly but nobody opened the lock of the main gate. Thereafter, respondent No.7 came out and abused the petitioner. He also manhandled the petitioner whereupon she called her friend namely Aman, who was residing in the tenanted premises and he immediately came down to her rescue. The entire matter was reported to the police officials of Police Station, Sector 36, Chandigarh.

3. Per contra, Mr. Anil Kumar Lamdharia, Addl. P.P., U.T., Chandigarh, who appears on advance notice for the respondent-State submits that the petitioner has not approached this Court with clean hands, as on the same set of allegations, she has approached the concerned jurisdictional Magistrate by filing an application under Section 156 (3) Cr.P.C. and the said fact has been totally concealed by her. Moreover, a civil suit has also been instituted. It is a dispute between the landlord and tenant and the present petition is nothing but an abuse of the process of the law.

4. Having heard learned counsel for the parties and after perusing the record of the case, this Court finds no force in the argument advanced by the counsel appearing for the petitioner. The present petition has been filed on the same set of allegations on which she has already approached the concerned jurisdictional Magistrate by filing an application under Section 156 (3) Cr.P.C. The aforesaid fact has been concealed by the petitioner in the present petition.

5. In view of the above, the present petition is dismissed, being devoid of merit.

(HARPREET SINGH BRAR)  
JUDGE

March 12, 2024

Pankaj\*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No