

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.114

CRWP-3531-2024

Date of decision:24.04.2024

Manjeet Singh @ Manjeet Singh Tuma**...Petitioner****Versus****State of Punjab and others****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT****Present:** Mr. Kuldip S. Chaudhary, Advocate for the petitioner.**N.S. SHEKHAWAT, J.**

1. The present petition has been filed under Article 226 of the Constitution of India with a prayer to direct official respondent No.1 to protect the life and liberty of the petitioner as he apprehends threats at the hands of the private respondents.

2. It has been stated in the petition that the petitioner, who is a Non-Resident Indian, is residing at Village Sanour, Tehsil and District Patiala with his sister Parvinder Kaur. As per the petitioner, the private respondents are also closely related to the present petitioner. Apparently, a civil dispute was pending between the parties before the Court of Assistant Collector 1st Grade, Patiala, after the matter was remanded back by the Financial Commissioner.

3. Learned counsel for the petitioner contends that with the malafide intentions, the land of the petitioner's share had been wrongly transferred by certain persons and family members of Late Mehar Singh had

no right, title or authority to transfer the land. He further contends that the petitioner, who is at present visiting India, is getting threats from respondents No.3 to 5 to falsely implicate him in a criminal case. He next submits that the matters pertaining to the land are subjudice before the civil court as well as the revenue authorities and respondents No.3 to 5 may cause harm to the present petitioner. Even number of representations were moved by the petitioner for protection of life and liberty, but no action was taken by the police.

4. This matter was heard on 23.04.2024 and the during the course of arguments, learned counsel for the petitioner had pointed out that SHO, NRI Wing, Patiala, was also threatening the petitioner by making calls and on the submission of learned counsel, the said SHO was ordered to be impleaded as respondent No.6 and was directed to remain present in the Court with the entire record.

5. On an advance notice, Mr. I.P.S. Sabharwal, DAG, Punjab has appeared on behalf of respondent-State and on instructions from Inspector Kulbir Singh Bhango, SHO, NRI Cell, Patiala, he has submitted that the petitioner has concealed the material facts from this Court. Learned State counsel has pointed out that a civil suit is already pending between the parties and both the sides have already approached the civil as well as revenue courts for redressal of their grievance. Learned State counsel has further pointed out that one FIR No.0025 dated 08.04.2024 under Sections 419/420/465/467/468/471 IPC has already been registered by Parvinder Kaur, real sister of the petitioner, with whom he is presently staying. Apart from that, he himself has moved an online complaint to the ADGP (NRI

Wing, Patiala and the petitioner was summoned in connection with the said complaint. Learned State counsel further submits that at present the said complaint has been filed by the SHO, NRI Wing, Patiala as no cognizable offence was made out and the petitioner had not cooperated with the enquiry. Learned State counsel further submits that no enquiry is being conducted by the SHO, Police Station, NRI Wing, Patiala with regard to the complaint moved by either by the petitioner or by the respondents.

6. I have heard the learned counsel for the parties and perused the case file.

7. From the submissions made by the learned counsel for the parties, it is apparent that the present petitioner, who is NRI, is illegally trying to convert a civil wrong into a criminal matter and is misusing the process of law. Apparently, the dispute between both the sides is pending before the civil as well as the revenue courts regarding the land situated at village Lalina, Tehsil and District Patiala and no cognizable offence was committed by any one. However, the petitioner had illegally moved various representations to various police authorities, just to harass the private respondents and the police authorities. Even it was wrongly represented to this court that the SHO, Police Station NRI Wing, Patiala was harassing the petitioner by making the calls unnecessarily, whereas during the course of arguments today, the State Government has placed on record an online complaint, which was submitted by the petitioner to ADGP (NRI Wing), Punjab. Thus, it is apparent that the petitioner is misusing the process of law and had also suppressed the material facts from this Court. Even this Court as well as Hon'ble the Supreme Court have deprecated the practice of converting civil wrong into criminal offence.

8. In view of the above, findings no merit in the present petition,
the same is hereby dismissed.

24.04.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO