

2024:PHHC:039937

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

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CRWP-9842-2023
Date of Decision : **March 20, 2024**

MONIKA AND ANR.

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rohit Sapehiya, Advocate for
Mr. Rai Singh Chauhan, Advocate for the petitioners.
Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. The instant petition has been filed for issuance of mandamus upon the official respondents to protect the life and liberty of the petitioners, as they were unnecessary being harassed and humiliated at the behest of respondents No.6 and 7 and further for taking action on a representation/complaint made by the petitioner dated 5.4.2023, 6.4.2023 and 11.4.2023 (Annexures P-7 to P-9) respectively.
2. A Co-ordinate Bench of this Court on 18.10.2023, issued notice to the respondent-State and a short reply by way of affidavit of Deputy Superintendent of Police, Sub-Division Dasuya, District Hoshiarpur has been filed on behalf of official respondents No.1, 4 and 5. The same is taken on record.
3. A perusal of the reply (supra) makes it clear that a complaint has been filed by respondent No.6, with the allegations that the petitioner has infact installed a gate on the passage of a plot purchased by respondent No.6, which led to the parking problem to the students of the college and the petitioner has also constructed drain alongwith the wall of the college and is putting water in the drain, with an intention to cause loss to the building of the college. In pursuance of the complaint, after taking legal opinion, an FIR No. 71 dated 18.10.2023 under Sections 447, 506, 427 IPC was registered against the present petitioner No.2-Gurmail Singh and he was subsequently arrested on 11.11.2023 and was released on furnishing bail bonds, as all the offences were bailable. After

completion of investigation, now the final report has been filed by the prosecution agency before the learned trial Court concerned on 30.1.2024 and now the case is fixed for appearance of the present petitioner. Reply further make revelations that the said FIR was registered after conducting due enquiry, wherein, the allegations levelled by respondent No.6 were found to be correct and the petitioners are not humiliated or harassed, rather petitioner No.2-Gurmail Singh, was arrested in the FIR (supra), after following due procedure of law.

4. In view of the specific reply submitted by the respondent-State, this Court can safely conclude that there is no apprehension of the life and liberty at the behest of respondents No.6 and 7, rather the allegations as levelled in the complaint, resulted into the registration of FIR (supra).

5. So far as the issue of non-taking of action over the complaint made by the petitioners is concerned, the petitioners without availing an alternate remedy i.e. without approaching the learned Illaqa Magistrate concerned, has straightway filed the instant petition, therefore, this Court refrains to pass any directions to the authority concerned.

6. In view of the above, the instant petition is **dismissed**, however, the liberty is reserved to the petitioners to pursue their grievance, if any, by filing an appropriate motion, before an appropriate Court/Forum. Further, in future the petitioners have any real apprehension to their life and liberty, they may approach the competent authority for providing adequate security. In case, the petitioners file such an application before the authority concerned, the latter shall on receipt of such application and after evaluating the threat perceptions, may take appropriate measures by passing appropriate orders in accordance with law.

7. **Disposed** of accordingly.

March 20, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No