



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-11756-2024 (O&M)

Date of Decision: 09.12.2024

Pooja Sood

.... Petitioner

Versus

Mukesh Sood and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gagandeep Goel, Advocate
for the petitioner (through V.C.).

Mr. Kunwarbir Singh, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the present Criminal Writ Petition under Article 226 of the Constitution of India is for issuance of Writ in the nature of Mandamus for directing respondent No. 6 to 8 to protect the life and liberty of petitioner at the hands of respondents No. 1 to 4.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner is a 47-year-old woman who resides at the address mentioned in the memo of parties. It is submitted that on 09.11.2024 the petitioner alongwith her husband namely, Rajan Sood, and minor son had gone to attend some wedding function. When they were returning at around 11:45 p.m., respondents No. 1 to 4 took up an argument with the petitioner and her family and started to threaten them that either they withdraw the complaint dated 28.10.2022 (Annexure P-1) filed by the petitioner before SSP, Chandigarh against the said respondents, or the petitioner and her family will face dire



consequences. Thereafter, the respondents No. 1 to 4 started beating the petitioner and her family, in which her husband sustained injuries and minor child was also beaten up and thrown aside. It is submitted that even the modesty of the petitioner was outraged when she was repeatedly touched in an inappropriate manner. Learned counsel submits that accordingly in respect of the said incident the petitioner filed a representation dated 09.11.2024 (Annexure P-4) before the S.H.O., Lalton Kalan, Ludhiana, Punjab. However, no action was taken thereupon. As such, the petitioner had made another representation dated 17.11.2024 (Annexure P-5) to the: i) DGP, Punjab Police Head Quarters, Sector 9, Chandigarh; ii) SSP, Police Headquarters, Fatehgarh Sahib; and iii) SHO, Police Station Fatehgarh Sahib, Fatehgarh Sahib. In the said representation dated 17.11.2024, in terms of Section 530 BNSS, the petitioner had also made a request that her statement be recorded through audio video means as she was a victim of sexual assault. However, even the same was not heeded. It is vehemently repeated that the petitioner is a victim of atrocities committed by respondents No.1 to 4 and has been further victimised by the other respondents who are the public servants, and they have not performed the duties in accordance with law.

3. It is accordingly prayed that respondents No. 6 to 8 be directed to protect the life and liberty of the petitioner at hands of respondents No. 1 to 4.

4. Learned counsel for the State, on instructions from HC Jagsir Singh, submits that the accused/respondents No.1 to 4 are the relatives of the petitioner with whom the petitioner has a property dispute. Learned State counsel points out that in respect of the present incident dated 9.11.2024, the petitioner had previously filed a petition bearing No. **CRM-M-60478 of 2024** for issuance of direction to respondent-State of Punjab for registration of an



FIR. The said petition has been dismissed by this Court vide order dated 03.12.2024, keeping in view the fact that pursuant to the complaint dated 09.11.2024 (Annexure P-4) received from the petitioner, *parwana/notice* was issued to the complainant as well as to the accused party on 16.11.2024 (Annexures P-6 and P-7) to appear before the concerned Police Station on 18.11.2024. However, neither of the parties had appeared on the said date before the Police Chowki Lalton Kalan, Ludhiana.

5. Ld. State counsel submits that now, less than a week thereafter, the present petition has been listed seeking protection of life and liberty, which amounts to abuse of process of law. It is also pointed out that no medical evidence has been attached by the petitioner to substantiate her allegation that she and her family were beaten up by the accused/respondents No.1 to 4. As regards the prayer of the petitioner made vide representation dated 17.11.2024 that her statement be recorded through audio video means as per Section 530 BNSS, Ld. State counsel, on further instructions from HC Jagsir Singh, submits that the same shall be considered and disposed of in accordance with law. It is further submitted by learned counsel for the State that threat perception, if any, to the petitioner shall be assessed and action required, if any, shall also be taken thereupon in accordance with law.

6. Heard.

7. In view of the facts and circumstances of the case as noted above, as also, the statement made by learned counsel for the State, no further directions are required to be issued in the present matter.

8. The present petition, accordingly, stands **dismissed**.



9. Pending application(s) if any also stand(s) disposed of.

09.12.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No