

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRWP-5265-2020

Date of decision: 27.07.2020

Vimal Kumar Dhall and others

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. L.M. Gulati, Advocate
for the petitioners.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioners-Vimal Kumar Dhall, Sunita Dhall, Shruti Dhall and Akhil Dhall, stated to be aged, 70, 65, 34 & 32 years respectively, have filed the present petition, *inter alia* with a prayer for directing respondents No.2 & 3 to protect life, liberty and property of the petitioners from the hands of respondents No.4 to 12, who with the help of local police started harassing and humiliating the present petitioners. It is also prayed that it is the petitioners, who have been cheated and defrauded by respondent No.4 to 9, in connivance with respondents No.10 & 11.

Learned counsel for the petitioners, based on the pleadings in the petition, submits that petitioner No.1 along with his wife, daughter and son are members of Emson Gears Limited, company situated at G.T. Road,

Sahnawal, Ludhiana. They have been collectively holding 46.58% of the equity shares of the company. The said company was incorporated with 50-50% share holding of each family member of petitioner No.1 as well as Ashok Kumar Dhall etc. Subsequently, there was change in the Constitution of the company and petitioner No.1 became the Managing Director, Akhil Dhall as Director, Shruti Dhall as Whole time Director, Sunita Dhall Director, Meena Dhall Director, Ashok Kumar Dhall Managing Director, Gautam Dhall Director, Anchal Dhall Whole Time Director, Vinod Kumar Dhall as Director and Manav Khosla as Director. It is also pleaded that petitioner No.1 is also Managing Director of sister concern OSHO Forge Limited, Chandigarh Road, Ludhiana and he has an office in Emson Gears Limited, G.T. Road, Sahnawal, Ludhiana, being 50% stake holder in both the companies. By making reference to para-7 of the petition, it is submitted that for the last few months, the relations between the family cropped upto that bitter extent that the petitioners and private respondents were not on speaking terms. Thereafter, reference has been made to representations/complaints dated 22.06.2019 (Annexure P-1), 04.07.2019 (Annexure P-2), 08.07.2019 (Annexure P-3) and then on 26.09.2019 (Annexure P-4). Learned counsel then submits that the enquiry was marked by the Commissioner of Police, Ludhiana (respondent No.2) to the Additional Deputy Commissioner of Police, Zone-III, Ludhiana, where statements of the petitioners as well as private respondents, were recorded and in this regard, a detailed report dated 30.09.2019 (Annexure P-5), was submitted. However, the grievance is that in spite the same, no action has

been taken much less recording of the FIR. Thereafter, reference has also been made to another representation dated 11.12.2019 (Annexure P-6).

Notice of motion.

On asking of the Court, Mr. Amar Ashok Pathak, Addl. AG, Punjab, accepts notice on behalf of the State.

On instructions, learned State counsel submits that in fact it is a case of family dispute. He then submits that the petitioners are related to respondents No.4 to 7 and respondents No.8 to 11 are outsiders, who have no concern with the case. He further submits that there is no necessity to retain respondent No.12 as party.

Faced with the situation, learned counsel for the petitioners submits that in fact as submitted above, the petitioners have been filing representations/complaints since June 2019, but, in spite of the detailed enquiry, nothing has been done and they are constrained to file the present petition. In the last representation even threat perception has been indicated by the petitioners at the hands of private respondents.

At the outset, it is noticed that respondent No.12 has been unnecessarily involved in the present petition as till date, no authority has stated anything against him. Therefore at this stage, without commenting upon merits of the case, it is deemed appropriate to direct respondent No.2 to look into consideration the matter regarding threat perception as indicated in various complaints/representations and the last/recent complaint being dated 11.12.2019, that the Competent Authority may examine all the issues raised in the complaint. It is also directed that while examining the issue,

reference may also be made to the Enquiry Report dated 30.09.2019 (Annexure P-5) and proceed in accordance with law. In case, the parties (which are stated to be related to each other), agree for amicable settlement, may record their statement or else take appropriate action, as per Enquiry Report against the persons found to be prima facie accused, in accordance with law.

Let the decision in this regard be taken and report be submitted to the Registrar of this Court, within a period of two months from the date of receipt of copy of this order.

Criminal Writ Petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

27.07.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No