

**CWP-11609-2022****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****252****CWP-11609-2022****Date of Decision : January 28, 2025****KAMALJIT KAUR****-PETITIONER****V/S****STATE OF PUNJAB AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Munish Jolly, Advocate
for the petitioner.

Mr. Teevar Sharma, A.A.G, Punjab.

Mr. L.S. Mann, Advocate
for the respondent No.8.

*********KULDEEP TIWARI, J. (ORAL)**

1. The respondent No.6- Deputy Superintendent of Police, Vigilance Bureau, Unit Rupnagar, through his addressing the letter dated 06.05.2021 (Annexure P-4) to the respondent No.7- B.D.P.O., demanded the year-wise record in respect of the developmental works carried out in the Gram Panchayat Rangeelpur w.e.f. 2008 to 2018, thereby enabling him to conduct inquiry in respect of Complaint No.57/19 Rupnagar, as made against the Gram Panchayat (supra). This caused pain to the petitioner, who remained Sarpanch of the Gram Panchayat (supra) w.e.f. 2013 to 2018, hence she instituted the present writ petition by enclosing therein prayer for issuance of directions upon the respondents No.1 and 4 to 6 not to summon and harass her in violation of Section 17-A of the Prevention of Corruption Act, 1988 (hereinafter referred to as the 'P.C. Act') and the Instructions



CWP-11609-2022

dated 24.03.1988.

2. What surges forth from a studied survey of the record is that, one private individual moved a complaint to the Vigilance Bureau, alleging therein commission of irregularities in the developmental works carried out in the Gram Panchayat (supra) w.e.f. 2008 to 2013. Accordingly, for the purpose of conducting inquiry in respect of the complaint, the respondent No.6 demanded certain record of Gram Panchayat (supra) from the respondent No.7, whereupon, the latter wrote to the existing Sarpanch and Panchayat Secretary to furnish the said record. However, the Sarpanch and Panchayat Secretary informed that, consequent upon completion of her term as Sarpanch, the petitioner did not hand over the requisite record to them. Consequently, the respondent No.7 was coaxed to demand the requisite unsupplied record from the petitioner. However, the petitioner has, with an intent to thwart the ongoing inquiry, straightaway filed the instant writ petition by taking refuge under the mandate enclosed in Section 17-A of the P.C. Act.

3. This Court has heard the learned counsel for the petitioner at length, however, he is unable to substantiate as to how the protection granted under Section 17-A of the P.C. Act can be invoked in the present case. In the case at hand, the Vigilance Bureau has sought certain record of the Gram Panchayat (supra) in order to ascertain whether any irregularity or embezzlement has been committed by the officer bearers of the Gram Panchayat (supra) while carrying out developmental works during the period 2008 to 2018. The inquiry is not *per se* solely against the petitioner, rather it is against the Gram Panchayat (supra). Moreover, the provisions of the P.C.

**CWP-11609-2022****3**

Act have not yet been invoked, thus entitling the petitioner to seek the protection enshrined in Section 17-A. Even otherwise, the protection under Section 17-A is not absolute and unconditional, rather it is for protection of a public servant, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties.

4. Furthermore, the reliance placed by the learned counsel for the petitioner upon the verdict rendered by Hon'ble the Supreme Court in "*Nara Chandrababu Naidu Vs. The State of Andhra Pradesh and anr.*", 2024(1) *R.C.R. (Criminal)* 735, is insignificant inasmuch as it does not have any applicability to the facts and circumstances of the present case.

5. In summa, when the petitioner does not have any cause of action to maintain the instant writ petition and especially to claim the protection enshrined under Section 17-A of the P.C. Act, therefore, the instant writ petition becomes a misconceived motion. It appears that the motive behind institution of the instant writ petition is to cause delay in the ongoing inquiry. Consequently, the instant writ petition is **dismissed**.

6. Pending application(s), if any, stand disposed of accordingly.

January 28, 2025
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(KULDEEP TIWARI)
JUDGE

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