



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

CWP-13081-2023

Date of Decision : **17.03.2025**

NEELAM MALIK

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.D.Hooda, Advocate,
for the petitioner.

Ms. Swati Rathi, Advocate,
Mr. R.Kartikeya Sharma, Advocate and
Mr. Prem Sood, Advocate
for respondent no.6.

Mr. Virender Soni, Advocate,
for respondent no.7.

Ms. Mehak Sawhney, Advocate
for respondent no.8.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the official respondents to protect the life and liberty of the petitioner, specifically, at the hands of private respondents no.6 to 8, who are continuously threatening and harassing the petitioner and her family members of dire consequences and danger to life.
2. The allegations as levelled in the instant petition are that the private respondents are not only giving life threats to the petitioner and

her family, but also the different properties belonging to them are being put to danger by respondent no.6 in collusion with others, through different forged agreement and MOU, and getting legal endorsements through these forged documents by misleading/managing the prosecution and the whole legal process.

3. The petitioner through the instant petition seeks a direction, to be passed upon the investigating agency to examine the complaint independently, as filed by the petitioner, and thereupon, conduct a fair and impartial investigation.

4. Learned counsel for the petitioner submits that the reason for straightway approaching this Court is the outcome of an investigation in FIR No.61, dated 30.01.2020, registered under Sections 406, 467, 468, 471, 420 and 120 IPC, at Police Station Sector-5, Panchkula, where through, the investigating officer therein, without conducting exhaustive investigation, has filed an untraced report, therefore, the petitioner opted not to approach the magistrate concerned, for registration of FIR under the provisions of Section 156(3) of the Cr.P.C. (Section 175(3) BNSS, 2023), rather he approached this Court for the same relief.

5. After hearing learned counsel for the petitioner, at length, this Court is of the considered view that the instant petition is a mis-conceived motion, and solely because one FIR which has been registered at the behest of the petitioner, the prosecution agency preferred to file untraced report does not mean that the petitioner, instead of approaching

the magistrate concerned for registration of the FIR on different complaints, can straightway approach this Court seeking *mandamus*. Therefore, the instant petition is **dismissed**.

6. However, the petitioner is granted liberty to approach the magistrate concerned, for seeking the relief as sought through the instant petition.

March 17, 2025
dhaaramvir

(KULDEEP TIWARI)
JUDGE

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