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

(103)

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Date of decision:- 17.09.2025

Sama Kaur and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jayant Yadav, Advocate and
Mr. P.R.Yadav, Advocate
for the petitioners.

Mr. Ravish Kaushik, Additional Advocate General, Haryana
for respondents No.1 to 5.

Mr. Jagmohan S. Ghumman, Advocate
for respondent No.6.

None for the remaining respondents.

SUVIR SEHGAL, J. (ORAL)

1. This petition has been filed under Article 226 of the Constitution of India *inter-alia* for issuance of a writ, in the nature of certiorari, for directing the official respondents to protect the life, liberty and property of the petitioner as also for directing them to decide the representations submitted by the petitioners.

2. Sama Kaur (since deceased), petitioner No.1, has three sons, namely, Narender Singh Yadav, petitioner No.2, Sumer Singh, respondent No.6, who is posted as ACP and Suresh Kumar, respondent No.7 (since deceased), who was

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working as a Bank Manager. It has been alleged that petitioner No.2 was posted in the Indian Air Force and behind his back, his brothers, respondent Nos. 6 and 7, colluded with each other and de-frauded him of the family property. It has been alleged that by misrepresenting that some pension papers have to be signed, respondent No.7 got two release deeds (Annexure P-3), executed from petitioner No.1 and transferred the entire family land holding of 69 kanals and 07 marlas in favour of respondent Nos. 6 and 7 in equal share. On the same day, on the basis of the thumb impression of petitioner No.1, which were taken fraudulently, respondent No.7 withdrew Rs.57,000/- from her bank account. On the next day, respondent No.6 leased 30 kanal 19 marla land in favour of respondent No.7 on the basis of a General Power of Attorney of the year 1992 for a negligible annual rent of Rs.7,000/- for a period of 30 years. It has been averred that the fraud had been committed despite the fact that petitioner No.2 had already filed applications (Annexure P-1) for partition of the land and had also filed a suit at Narnaul for partition of residential house. Petitioner No.1 filed a petition (Annexure P-6) under Section 20 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for the cancellation of release sale deeds and also submitted application to the authorities for initiating action against the private respondents, which have not been fairly investigated. Petitioner No.2 filed a suit (Annexure P-12) for cancellation of the lease deed. It has been alleged that the private respondents also attempted to kidnap petitioner No.1, so that she may not be able to depose before the Court.

3. Counsel for the petitioner has placed reliance upon the judgment of



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the Hon'ble Supreme Court in *Lalita Kumari Vs. Govt. of UP and Others, (2014) 2 SCC 1*, to contend that once the information provided to the police discloses a cognizable offence, it was mandatory for the police authorities to register an FIR, which has not been done.

4. While issuing notice of motion, this Court directed the Superintendent of Police, Narnaul, District Mahendergarh-respondent No.5 to look into the matter, assess the facts, make an enquiry and submit a report. This Court further directed that role of respondent No.6 be examined. In response, status report by way of affidavits has been filed on behalf of official respondents who have stated that the complaints and representations given by the petitioners were inquired into. Statements of the parties, witnesses to the release deeds, respectables of the area and others were recorded. During inquiry, it has been found that release deeds were scribed on the instructions of petitioner No.1 and were read over to her. She understood the contents of the documents and voluntarily signed the same. It transpired that petitioner No.1 was residing with respondent No.7 and petitioner No.2 enticed her to shift to his house at Gurugram and is not permitting to anyone to meet her. It emerged that the land in dispute was being cultivated by respondent No.7 and petitioner No. 2 had no concern with it. Statement of Smt. Savita Devi, sister of petitioner No.2 and private respondents, was also recorded, who stated that his brother, Narender Kumar Yadav, petitioner No.2, had allured her mother and that respondent No.7 was earlier looking after her. She has categorically stated that petitioner No.2 had submitted a false complaint against respondent Nos.6 and 7 and the release deeds were duly



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executed by her mother. In the short reply filed on behalf of respondent No.3, it has been stated that respondent No.6 has been transferred from District Gurugram and is no longer incharge of the Gurugram Police. It has also been stated that the allegation of threat to life has not been found to be substantiated, however, in order to avoid any untoward incident, a PCR has been deputed for surveillance. It has been further stated that Gurugram Police is prepared to provide security to the petitioner on deposit of the prescribed fee as per Government instructions issued from time to time. In their separate responses, respondent Nos.6 and 7 have refuted the allegations leveled against them and have categorically stated that release deeds were executed by the deceased on her own violation. Private respondents made a reference to litigation pending between the parties and submit that the petitioner is leveling indiscriminate allegations.

5. I have heard counsel for the parties and considered their respective submissions, besides examining the documents appended with the paper-book.

6. A perusal of the response(s) filed by the official respondents show that a detailed inquiry has been conducted into the representations submitted by the petitioner. Statements of all the parties concerned have been recorded and the material collected has been properly evaluated. Investigating agency arrived at a conclusion that the allegations against the private respondents are not substantiated and civil litigation is pending between the brothers. Accusations leveled by the petitioners were found to be baseless. No material has been found in the allegation of threat to the life of petitioner No.2. Judgment in *Lalita Kumari's case (supra)* would not come to the aid of the



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petitioner as there is a property dispute between siblings and it cannot be said that a cognizable offence has been committed. This Court is of the view that the direction, as sought for, cannot be granted.

7. Finding no merit in the petition, it is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

17.09.2025
pry

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No