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

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CRM-M-41268-2024 (O&M)
Date of decision : 25.02.2025

Paramjeet Kaur**...Petitioner**

Versus

State of Punjab and others**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Onkar Singh Batalvi, Advocate and
Mr. Harpreet Singh Sandhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Dhawaljeet Dutta, Advocate
for respondent No. 4.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking directions to the official respondents to take appropriate legal action against the private respondents by registering an FIR as they had attacked upon the petitioner and threatened her and also tried to take forcible possession of her plot in connivance with respondent No. 4-who is SHO of the police Station concerned.

2. On 30.01.2025, the following order was passed by this Court in the present case:

“Brief facts of the case in hand are that the petitioner, who is in fact a senior citizen, is a widow and is living with her son. On 03.08.2024, respondents No. 5 to 8, namely Surjan Singh, Satnam Singh, Avtar Singh

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and Dilbagh Singh, along with some unknown persons had attacked upon the petitioner and her son by throwing bricks and stones and had also tried to take possession of the petitioner's plot. The petitioner and her son somehow saved their life. On their call, the police had reached at the spot and had stopped the private respondents from taking forcible possession of the plot of the petitioner. Both the parties were called in the police station. However, since respondent No.4-Gurdev Singh, the then SHO of the Police Station Qadian was not available in the police station, they were called upon on 04.08.2024. However, on 04.08.2024 also, the private respondents started taking possession of the said plot by extending threats to the petitioner and his son. The petitioner and her son saved themselves by running inside the room. They called the police but no official reached at the spot. After some time, police officials visited the place of occurrence and instead of taking action against the private respondents, they took petitioner and her son to the police station, where they were made to sit till 6 PM. Repeated requests were made by the petitioner to take action against the private respondents but to no avail. The petitioner was constrained to give a complaint (Annexure P-1) to respondent No. 3-Senior Superintendent of Police, Batala on 05.08.2024 against the private respondents as well as respondent No. 4. When no action was taken on her complaint, she gave another complaint (Annexure P-2) on 07.08.2024 to respondent No. 2-Director General of Police, Punjab as well as respondent No. 3. However, no action was taken thereon.

Reply on behalf of respondents No. 1 to 3 has been filed. A short reply on behalf of respondent No. 4 has also been filed. A joint reading of the same reveals that the

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complaints submitted by the petitioner were inquired into and the dispute between the parties was found to be of civil nature. Still, preventive action under Sections 126/170 of BNSS was taken by registering a Calandra, vide DDR No. 018 dated 06.09.2024. It has been claimed in both the replies that the petitioner has got recorded her statement (Annexure R-1/T) to the effect that she has filed the present petition on the asking of her counsel. She has never met respondent No. 4 and the present petition may be dismissed.

Vide order dated 02.12.2024, the petitioner and respondent No. 4 were directed to remain present before this Court in person. Today, both of them are present before this Court. With regard to her statement (Annexure R-1/T), the petitioner has categorically submitted before this Court that she has never given such statement. Rather, she was made to sign a blank paper by respondent No. 4. When respondent No. 4 is confronted with the same, he could not give any satisfactory reply and has stated that it was Investigating Officer/ASI Harinder Singh, who has recorded the statement of the petitioner. However, it is not his claim that being Incharge of the police station, he was not aware about the factum of preparation of this statement by ASI Harinder Singh.

The Court is both astonished and dismayed by the conduct of the police in this case. Initially, the police failed to take any action on the petitioner's complaint against the private respondents, leaving her grievances unaddressed. Subsequently, when the petitioner sought redress by knocking the doors of this Court, she was coerced to sign a blank document, which was later manipulated and presented as her purported statement, wherein she is shown to have stated that she never

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wanted to file the present petition and it was only on the asking of her counsel that she has done so. She is also shown to be willing to withdraw the petition. The police have not only resorted to the reprehensible act of forging the petitioner's statement but have also exhibited an alarming audacity by presenting such a fraudulent document before this Court. This blatant disregard for the truth and the sanctity of legal proceedings is both deeply troubling and disrespectful. The sheer temerity with which this forged document was submitted reflects a troubling disregard for the principles of justice and fairness, and raises serious concerns about the integrity of the authorities involved in this matter. Such actions demand the utmost scrutiny and swift action to uphold the rule of law.

List again on 25.02.2025.

In the meantime, respondent No. 3-Senior Superintendent of Police, Batala is directed to look into the grievances of the petitioner as well as conduct of respondent No. 4 and take necessary action thereon. Respondent No. 3 is directed to remain present in person before this Court on the next date of hearing along with the action taken report on the representation of the petitioner as well as report about the action taken against the erring police officials."

3. In compliance with the above mentioned direction, respondent No. 3-Senior Superintendent of Police, Batala is present in person before this Court. Affidavit on his behalf has been filed. A perusal of the same reveals that an SIT was constituted, which after conducting thorough inquiry in the matter, had recommended registration of FIR against the accused persons. Accordingly, an FIR bearing No. 19 dated 20.02.2025, under Sections

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329(3), 62, 351(2), 191(3), 190 and 194(2) of Bharatiya Nyaya Sanhita, 2023 has been registered at Police Station Qadian, Batala, whereby respondents No. 5 and 6 have been arraigned as accused. It is further revealed that an FIR has also been registered against the erring police officials.

4. Learned counsel for the petitioner has submitted that since the grievances of the petitioner stand redressed, the present petition may be disposed of.

5. In view of the above facts and circumstances, no further order is called for in the present petition and the same is disposed of.

25.02.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No