

(2020) 07 P&H CK 0055
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9666 Of 2020

Barfina

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 13-07-2020

Acts Referred:

Citation : (2020) 07 P&H CK 0055

Hon'ble Judges : Raj Mohan Singh, J

Bench : Single Bench

Advocate : Lokesh Vohra

Final Decision : Disposed Of

Judgement

Raj Mohan Singh, J

The case has been taken up for hearing through video-conferencing.

Petitioner has preferred this writ petition for issuance of appropriate directions to respondent No.3 to take lawful action against respondents No. 4 to 6

in the context of representation/ complaint made by the petitioner to respondent No.3 on 19.6.2020 (Annexure P-5).

Learned counsel for the petitioner states that the petitioner along with her father filed CRWP No. 1407 of 2019 seeking protection qua their lives and

personal liberties from being invaded by the private respondents. In the aforesaid writ petition, following order was passed on 10.12.2019:-

â??The petitioners are seeking directions to the official respondents to protect their life and liberty from the private respondents, as they apprehend

threat from the private respondents.

Learned counsel for the petitioners contends that despite directions of this Court issued on 30.10.2019 to ensure the safety and security of the

petitioners, petitioner No. 2 was again attacked by the private respondents and their accomplices on 18.11.2019 and an FIR has been registered in this

regard, but no action has been taken by the official respondents.

In pursuance to the order passed by this Court on 02.12.2019, Mr. Narender Bijarniya, IPS, Superintendent of Police, Palwal, is present in Court. He

has filed his affidavit, which is taken on record. It is mentioned in the affidavit that several cases have been registered against both the sides and there

is a feud between the two for the last about ten years. It is also mentioned that with regard to the incident which occurred on 18.11.2019, the police

has taken prompt action to register an FIR and two of the accused have been arrested and raids are being conducted to arrest the remaining accused,

who have absconded from their houses. It is also mentioned that adequate steps have been taken to protect the life and liberty of the petitioners and at

present two police officers have been deputed in this regard. He has also stated that they will continue to make efforts to maintain peace in the area

and security shall be provided keeping in view threat perspective which would be assessed from time to time.

This Court is satisfied that adequate steps have been taken by the official respondents to ensure the protection of life and liberty of the petitioners.

Therefore, no further directions are required at this stage.

The petition stands disposed of.â??

During pendency of the aforesaid petition, the FIR No. 0028 was registered on 22.11.2019 in Police Station Utawar District Palwal at the instance of

the petitioner. When the petitioner went to inquire about the status of the aforesaid FIR, she was maltreated by using derogatory words and was

thrown out of the police station after giving beatings by respondents No. 4 to 6. In that context, the petitioner has already filed a detailed

representation/ complaint before respondent No.3 on 19.6.2020.

Notice of motion.

On the asking of Court, Mr. Tapan Kumar Yadav, DAG, Haryana accepts notice on behalf of the respondents and states that in fact in respect of the

occurrence dated 2.2.2020, the police has registered FIR No.92 on 15.5.2020 against the petitioner, after thorough inquiry by the Deputy

Superintendent of Police, for obstructing the police officers/ officials from performing their public duties.

The earlier complaint made by the petitioner in respect of occurrence dated 2.2.2020 was duly inquired into by respondent No.3 and was found to be untrue. Again the petitioner has preferred the representation/ complaint on 19.6.2020 on the same subject matter, which was already inquired into by the police and was found to be false. Learned State counsel also states that the representation/complaint dated 19.6.2020 has not been received by respondent No.3 so far.

In view of nature of order, which this Court proposes to pass there is no necessity of calling upon any formal response from the State. However respondent No. 3 can be asked to take notice of all incriminating facts on record without being influenced by any observation made by this Court at this stage and pass an appropriate order in accordance with law preferably within one month from the date of receipt of certified copy of this order.

Respondent No.3 would be at liberty to inquire into veracity of allegations and counter allegations as per record.

Petition stands disposed of accordingly.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.