

(2022) 09 MP CK 0041

In the Madhya Pradesh High Court

Case No : Writ Petition No.19844 Of 2022

Kamlesh Sharma

APPELLANT

Vs

State Of Madhya Pradesh And Others ?

RESPONDENT

Date of Decision : 15-09-2022

Acts Referred:

Citation : Constitution Of India, 1950 — Article 226Code Of Criminal Procedure, 1973 — Section 201, 202, 203??

Hon'ble Judges : Gurpal Singh Ahluwalia, J

Bench : Single Bench

Advocate : Ajay Kumar Dwivedi, Devendra Chuaubey

Final Decision : Dismissed

Judgement

Gurpal Singh Ahluwalia, J

1. This petition under Article 226 of the Constitution of India has been filed seeking following reliefs:

2. It is submitted by the counsel for the petitioner that the petitioner is a retired Government employee and is aged about 71 years. The petitioner was residing in Adarsh Colony, Gola Ka Mandir, District Gwalior. One of the daughter of the petitioner along with her husband (son-in-law of the petitioner) and children shifted to the house of the petitioner and they stayed with her for four months. Thereafter the petitioner was informed by her son-in-law that some loss has been sustained by the company and the people are searching for him, therefore, they left the house of the petitioner and from thereafter their whereabouts are not known. On one day, the police party raided the house of the petitioner and carried out the search for the son-in-law of the petitioner. Only then the petitioner came to know that some FIR has been lodged against her son-in-law namely Ganesh Ojha. It is submitted that the police was continuously harassing her and was misbehaving her as a result, she was forced to leave her house and has shifted to the house of her relatives and thus, this petition has been filed.

3. Per contra, the petition is vehemently opposed by the counsel for the respondent/State. It is submitted that it appears that the son-in-law of the petitioner is wanted in a criminal case. Although the petitioner has not disclosed the nature of allegations but from the writ petition it appears that some company was either floated by the son-in-law of the petitioner or he was an employee of the company which has wind up its business after collecting money from innocent investors. The police has every right to investigate and interrogate the witnesses as well as suspects. By filing this petition, the petitioner, in fact, wants to keep the police away from her, so that she may not be asked to cooperate with the investigation. It is further submitted that the witnesses are under obligation to disclose the information within their personal knowledge, otherwise they can be prosecuted for withholding the said information from the public servant as provided under Sections 201, 202, 203 of Cr.P.C.. The petition has been filed on the basis of vague averments. The name of the police personnel who had misbehaved with the petitioner has not been disclosed. The date on which the house of the petitioner was raided has also not been disclosed. The timing of raid has also not been disclosed. The present address of the petitioner has also not been disclosed. The nature of allegations against her son-in-law have also not been disclosed. Even the petitioner has not claimed that she is ready and willing to give information about the whereabouts of her son-in-law and thus it is submitted that the blanket protection which has been sought by the petitioner is nothing but an attempt to withhold the information which she is otherwise supposed to disclose to the Investigating Officer.

4. Heard the learned counsel for the parties.

5. During the course of arguments, it is fairly conceded by Shri Dwivedi that specific date, timing and the name of the members of the raiding party have not been disclosed. It was also submitted by Shri Dwivedi that the petitioner is not aware of the whereabouts of her son-in-law. It was submitted that the police has a right to interrogate/investigate but it has to be done in accordance with law. However, the petition is completely silent on the question of violation of any statutory provision in investigation.

6. Be that as it may.

7. The crux of the matter is that the son-in-law of the petitioner is facing some investigation. His whereabouts are not known. The date on which the daughter and her son-in-law had shifted to the house of the petitioner and date on which they left her house is also not given in the petition. Furthermore, every one is under obligation to cooperate and share every information with the public officer. The petitioner has also suppressed her current address and the details of relative, in whose house she is staying.

8. Since the petition lacks specific instances, accordingly, the petition fails and is hereby dismissed.