

(2011) 05 P&H CK 0276

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-13782 of 2011

Narinder Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: May 23, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 318, 457
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.

Present petition has been filed u/s 482 Code of Criminal Procedure praying that this Court should protect the life and liberty of the Petitioner and his family. A further prayer is made that the Respondents be directed not to torture, harass or humiliate the Petitioner.

2. Before the prayers made in this petition are dealt with, it will be necessary to give a brief resume of the facts.

3. Jaspal Kaur, wife of the Petitioner, had earlier filed Crl. Writ Petition No. 726 of 2011 praying therein that her son Harpreet Singh was unlawfully detained by the Police of Police Station Rajpura. A Warrant Officer was appointed. On arrival of the Warrant Officer, the alleged detente was released by the police, therefore, the above stated writ petition was rendered in fructuous and was disposed of as such on April 19, 2011.

4. In the present petition, it is stated that thereafter to wreak vengeance, son of the Petitioner and the Petitioner were called to the Police Station.

5. Shri B.S. Sra, learned Additional Advocate General, Punjab, appearing for the Respondents, has stated that during investigation of case FIR No. 169 dated 20.7.2010, registered at Police Station Rajpura, under Sections 457, 318 IPC, name of the son of the Petitioner, Harpreet Singh, had surfaced as an accused, therefore, he was required by the police. He further states that Harpreet Singh has joined the investigation in which he has been found to be innocent and the police has decided to discharge him there from. Shri Sra also states that the Petitioner has not come with clean hands to this Court and this Court should not presume the facts to be straight. It has been stated that the Petitioner also has lodged a complaint u/s 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against Respondent No. 3.

6. Shri Ashutosh Gupta, Counsel for the Petitioner, on instructions from the Petitioner - Narinder Singh, who is present in Court, has stated that the Petitioner has also decided not to pursue his complaint and withdraw the same. Affidavit of Narinder Singh to this effect has also been submitted filed today in Court, which is taken on record.

7. Counsel for the Petitioner submits that since the son of the Petitioner is not required by the police and it has been assured by Respondent No. 3, who is present in Court, that no harassment shall be caused to the family of the Petitioner, he may be permitted to withdraw the present petition.

8. As prayed, dismissed as withdrawn.