

**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-10755 of 2015
Date of decision: April 06, 2015**

Kuldeep Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. HPS Ghuman, Advocate
for the petitioner.

Jaspal Singh, J.(Oral)

This is a petition preferred under Section 482 of the Code of Criminal Procedure (for short 'Code') seeking directions to respondents No.2 and 3 to ensure protection of life, liberty and property of the petitioner, who apprehends danger at the hands of respondents No.4 to 8 and further for registration of FIR against private respondents allegedly for having committed house trespass and giving beatings to the petitioner.

2. The contention of learned counsel for the petitioner is that respondent No.7 is legally wedded wife of the petitioner and criminal as well as civil litigations are going on in between petitioner and respondent No.7, which have been reflected in various paras of the petition. It has further been contended by learned counsel for the petitioner that after passing of order dated July 02, 2013 (Annexure P-2) whereby, petition

under Section 9 of Hindu Marriage Act, 1955 was allowed for Restitution of Conjugal Rights, respondent No.7 joined the petitioner in her matrimonial home. On March 21, 2015, respondent No.7 again started quarreling with petitioner. Pursuant thereto, she called respondents No.4 to 6 in her matrimonial home where they hurled abuses to petitioner and was also given severe beatings.

3. A glance on the contents of petition reveals that matrimonial dispute is existing in between petitioner and respondent No.7 regarding which civil as well as criminal cases are pending. Earlier, FIR No. 35 dated May 19, 2012 under Sections 323, 325 read with Section 34 IPC was registered against the petitioner at Police Station Nabha, at the instance of private respondents. Though in the said case, petitioner was acquitted vide order dated October 03, 2013 (Annexure P-1) passed by learned SDJM, Nabha. In the facts and circumstances of the case, petitioner has other efficacious remedies available to him for the redressal of his grievances.

4. It is pretty settled that inherent jurisdiction under Section 482 of the Code has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is also equally settled that powers provided under Section 482 of the Code can only be exercised when no other remedy is available to the litigant.

5. Keeping in view the above discussed considerations, this Court does not find any merit in the instant petition. Accordingly, the same is dismissed.

6. However, petitioner is at liberty to have recourse the remedies available to him for the redressal of his grievances, if any before the authorities concerned.

April 06, 2015

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**(JASPAL SINGH)
JUDGE**