

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.-M-13980 of 2015

Date of decision:01.05.2015

Gurpreet Kaur

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Ms. Anamika Mehra, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. raising a three fold prayer i.e.

- (i)for issuance of directions to the Senior Superintendent of Police, Patiala respondent No.2 to register an FIR against respondent No.3, namely Jashandeep Singh Khaira
- (ii)to issue a restraint order against respondent No.3 as regards entering into the house of the petitioner
- (iii)for issuance of directions to the official respondents to take adequate measures for protection of her life and liberty as she apprehends a threat to the same at the hands of respondent No.3.

Counsel for the petitioner has been heard at length and the pleadings on record have been perused.

Insofar as the prayer for registration of FIR is concerned, the precise question as to whether this Court in exercise of its jurisdiction under Section 482 Cr.P.C. should intervene in case of failure on the part of the

police officials to register an FIR on the allegation that a cognizable offence has been committed came up for consideration before a coordinate Bench of this Court in **CRM No.M-22193 of 2013 titled as Jaswinder Kaur Vs. State of Punjab & others** and other connected petitions decided on 02.12.2013. The coordinate Bench after having considered the judgment in **Lalita Kumari v. Govt. of U.P. and others, 2013 (4) RCR (Criminal) 979** had held in the following terms:

“In view of the settled position of law laid down in Aleque Padamsee's case (supra) and Sakiri Vasu's case (supra), there is no reason for this Court to issue any such direction as prayed for, in exercise of extraordinary jurisdiction under Section 482 of the Code. The petitions are accordingly, disposed of with liberty to the petitioners to avail appropriate remedy, in accordance with law.

Before parting with this order, I would like to clarify that nothing stated in this order shall be construed as an expression on the merits of the allegations set up by the petitioners nor the Court has adverted itself to the issue, if the allegations do or do not constitute any cognizable offence having been committed.”

Accordingly, prayer for registration of FIR is dealt with and disposed of in terms of order dated 02.12.2013 passed by a coordinate Bench in **Jaswinder Kaur's case (supra)**.

As regards the second prayer for issuance of a restraint order is concerned, this Court is of the considered view that such orders cannot be issued while exercising powers under Section 482 Cr.P.C. It would however be open for the petitioner to avail of a remedy by initiating appropriate civil proceedings.

As regards protection of life and liberty of the petitioner is

concerned, this Court without even going into the merits of the case and while disposing of the instant petition grants liberty to the petitioner to approach respondent No.2 i.e. Senior Superintendent of Police, Patiala in relation to any threat perception and who in turn would be obligated to look into the matter and thereafter to take steps as he may deem fit and which are warranted strictly in accordance with law.

Disposed of.

01.05.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**