

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

**Criminal Misc. No. M-18252 of 2015
Date of Decision:-03.8.2015**

Parabhjot Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. M.S. Joshi, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for direction to the SHO/Arresting Officer, Police Station Gate Hakima to give 10 days notice before arresting the petitioners if any case is registered against them in matrimonial dispute.

Briefly stated that the applications dated 1.5.2015 and 16.7.2015 were given by respondent No.3 against the petitioners alleging beating and maltreating here on account of dowry. The applications were addressed to the Commissioner of Police, Amritsar. The applications were further entrusted to the Assistant Commissioner of Police (Central),

Amritsar for necessary action.

Accordingly, the Assistant Commissioner of Police (Central), Amritsar has called the petitioners to furnish their view points/comments.

However, the petitioners have challenged the said action of the respondents through the instant petition.

While recording the contention of the petitioners that the respondent-complainant, who is wife of petitioner No.1 is staying with her parents in Amritsar but she has been making allegation of dowry without there being any demand by the petitioners. Pursuant to the notice issued by this Court, reply on behalf of respondents No.1 and 2 by way of affidavit of Amandeep Singh, PPS, Assistant Commissioner of Police, Central, Amritsar has been filed. Para 4 and 5 of the reply read as under :-

“4. That it is most respectfully submitted that during the process of enquiry of the application, the petitioner No.1 was issued summon to appear on 15.5.2015 and the complainant-respondent No.3 was informed for the same as well. Upon that, the petitioner No.1 and the respondent No.3 along with others appeared on the given date 15.5.15. That the petitioner No.1 was informed about the contents of the application given against them by the respondent No.3 and they were counseled, upon that both the parties got agreed to resolve their matter amicably and they sought an adjournment till 3.6.2015 and gave it in writing (Annexure R-1/T). Therefore, the matter was adjourned on their request.

5. That it is most respectfully further submitted that meanwhile dispute of the parties could not be resolved, hence, on 3.6.2015, the applicant-respondent No.3

attended office of the answering deponent in morning and gave her statement in writing, whereas the petitioners attended office of the answering deponent at 4 PM in the absence of the respondent No.3, for this reason they could not be counseled together. The petitioner No.1 instead of recording his statement and with an intention to linger on and twist the matter, he demanded copy of the application along with other supporting documents, filed against them by the applicant-respondent No.3 and gave it in writing (Annexure R-2/T) and told that he would give his statement thereafter, whereas he was already well versed about the allegations leveled in the application from the very first day i.e. 15.5.15, when he firstly joined the enquiry and sought an adjournment. However, upon that the petitioner was again made aware about contents of the application and was informed that as the application is still pending for enquiry, therefore, the answering deponent cannot provide him copy of the application and other documents and he could only get the same by applying under RTI Act after completion of the enquiry. But the petitioner No.1 did not adhere to the advice and left the office of the answering deponent without recording their statements.”

The aforesaid reply depicts that the Assistant Commissioner of Police, Central, Amritsar is seized with the matter. On the basis of the complaint submitted by respondent No.3, petitioners were directed to appear before him on 15.5.2015 and the respondent-complainant was also informed about the date. On 15.5.2015, petitioner No.1 and respondent No.3 appeared before the Assistant Commissioner of Police (Central), Amritsar and they agreed to resolve the matter amicably and

prayed for adjournment in the case till 3.6.2015. Since the matter could not be resolved between the parties, therefore, respondent-complainant attended the office of the Assistant Commissioner of Police (Central), Amritsar on 3.6.2015 and has given her statement in writing. However, the petitioner attended the office of the Assistant Commissioner of Police (Central), Amritsar at 4.00 pm, but by that time respondent No.3 had already left the office. In this manner, the parties could not be counselled together.

Considering the fact that the matter is pending consideration with the Assistant Commissioner of Police (Central), Amritsar and is being inquired into, there is nothing any unusual to call the petitioners for counselling and to co-operate in the matter particularly when no case has been registered against the petitioners. In view of the reply submitted on behalf of respondents No.1 and 2 and more specifically para Nos.4 and 5 reproduced above, no case for interference is made out in the present case at this stage.

Dismissed.

August 03, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE