

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18656-2015

Date of decision: 29.05.2015

Divjot Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Ms. Surinder Kaur, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been filed with a prayer for issuance of a direction to respondents No. 2 and 3 to take appropriate action against private respondents Nos. 4 to 7, with further direction to respondent No. 2 to protect the life and liberty of the petitioner at the hands of respondents No. 4 to 7.

2. Learned counsel for the petitioner submits that petitioner has performed love marriage with respondent No. 4-Rajinder Kumar on 20.04.2015 at Gurdaspur and after marriage they both started living in the house of maternal uncle of respondent No. 4. It is further submitted that

soon after marriage behaviour of respondent No. 4 and his family members has changed and they started harassing her on one pretext or the other and forcibly snatched all the gold articles i.e. gold chain and gold ring and also the mobile set from the almirah of petitioner. It is also submitted that before marriage, respondent No. 4 wrongly represented the petitioner that he is doing a Government job and earning handsome salary but after marriage, she came to know that respondent No. 4 is an unemployed person and only depends upon the income of his parents. When the petitioner enquired about this fact then respondent No. 4 gave beatings to her and threatened her that in case she told about this to any member of her family then she will have to face dire consequences. On 22.04.2015 respondent No. 4 and his parents started pressurizing the petitioner to demand ₹ 5 lacs from her parents so that they could settle respondent No. 4 abroad for their bright future and when she expressed her inability to meet this demand, all the family members of respondent No. 4 gave beatings to her and they even did not give food to the petitioner for the whole day and also did not allow her to talk to her parents. It is further contended that on 24.04.2015 the petitioner was thrown out of her matrimonial home and respondents No. 4 and 5 threatened her to make arrangement of ₹ 5 lacs otherwise she was not allowed to enter in their house. Then petitioner manage to call her parents and her parents took the petitioner along with them to their house.

3. Parents of the petitioner along with respectables have tried to settle the matter by mutual understanding but respondent No. 4 and his family members remained adamant and clearly told them that they could

only settle the matter in case they are ready to pay ₹ 5 lacs to them. It is further alleged that on 26.04.2015, Darshan Lal-respondent No. 5 father of respondent No. 4 called petitioner and threatened her that in case her family was unable to meet their demand then she gave divorce to respondent No. 4 so that they could arrange his second marriage. On 28.04.2015, the petitioner gave a representation to respondent No. 2-Senior Superintendent of Police, Gurdaspur to take legal action against respondent No. 4 and his family members. On 02.05.2015, the Deputy Superintendent of Police, Gurdaspur called both the parties at police station but nothing was done to settle the dispute rather he flatly refused to take action against respondent No. 4 and his family members. On 06.05.2015, respondent No. 4 threatened the petitioner on telephone that he will spoil her life by misusing her photographs. The petitioner has filed representation dated 10.05.2015 (Annexure P-1) to respondent No. 2-Senior Superintendent of Police, Gurdaspur in this regard but no action has been taken so far. Hence, the present petition.

4. Looking into the facts of this case, I am of the considered view that no indulgence of this Court is required. The allegations made in the instant petition basically may attract offences under Sections 406/498-A of the Indian Penal Code. Various options are available to the petitioner to pursue his remedy of this nature.

5. Hon'ble Supreme Court in **Sakiri Vasu Vs. State of U.P. And others 2008 (2) SCC 409**, held that it is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily

interfere. It was further held as under:

“26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or other police officer referred to in Section 36 Cr.P.C. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) Cr.P.C. instead of rushing to the High Court by way of a writ petition or a petition under Section 482 Cr.P.C. Moreover he has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?”

6. In view of the facts and circumstances of the case, this matter does not need indulgence of this Court in exercise of its inherent powers under Section 482 Cr.P.C. The petitioner may have recourse to alternative remedies. In case, the private complaint is filed it would be for the Magistrate to decide the appropriate course how to proceed in the complaint made to it, on application of mind, whether proceed to take cognizance of the complaint or to take action under Section 156(3) Cr.P.C.

7. The instant petition is disposed of with the above observations.

8. However, the petitioner is at liberty to pursue her representation dated 10.05.2015 (Annexure P-1) which she has already filed before respondent No. 2-Senior Superintendent of Police, Gurdaspur.

May 29, 2015
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(R.P. NAGRATH)
JUDGE