

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

(217)

CRM-M-31689-2015

Decided on: September 30, 2015.

Lal Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Anil Chaudhary, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

This is a petition under Section 482 Cr.P.C seeking a direction to respondent No.2 to safeguard the life and liberty as well as property of the petitioner at the hands of respondents No. 3 to 8.

It is important to note that respondent No.4 Lakhvir Kaur is none else but wife of the petitioner. Two sons are born out of the wedlock of respondent No.4 and the petitioner. Grievance of the petitioner is that he has got apprehension that the private respondents with the help of the police would dispossess him from his house.

A petition under Section 13 of the Hindu Marriage Act has been filed by the petitioner against respondent No.4. Respondent No.4 has also filed a suit for permanent injunction against the petitioner, so far as property of the petitioner is concerned.

It is told by State counsel that injunction had been issued in a suit filed by the wife restraining the petitioner from alienating the property

which includes house and property, to prevent him to defeat the right of the respondent No.4 as wife.

It appears that on account of litigation between husband and wife, the present petition has been filed.

On asking of the Court, HC Parveen Kumar informs that no criminal case has yet been registered against the petitioner.

It has also been informed that proceedings under the Prevention of Women from Domestic Violence Act are also pending against the petitioner.

In view of the litigation pending between husband and wife on account of matrimonial dispute, a blanket order of protection cannot be passed in favour of the petitioner to provide him immunity from any legal action against him.

The petition is disposed of with an observation that in case the petitioner is to be called (not as an accused) by the police of P.S. Sandhaur, in complaint filed by his wife, he would be issued a notice under Section 160 Cr.P.C but if he is required as an accused in any case, it will not be necessary to issue any notice to him. However, it will be open to the petitioner to avail any other legal remedy available to him in accordance with law.

It is not out of place to observe here that the petitioner on 23.07.2015 had made a statement before the police that he does not want to pursue his case. Copy of the same has been placed on record.

(M.M.S. BEDI)
JUDGE

September 30, 2015
harsha