

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

CRM No.M-34096 of 2014

Date of decision: 13.02.2015

Gurpreet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Petitioner in person with
Mr. H.S. Sangha, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.
assisted by ASI Rajwinder Singh.

Mr. Surinder Garg, Advocate,
for respondent No.4.

Jitendra Chauhan, J.

This is a petition under Section 482 of the code of Criminal Procedure, seeking direction to respondent Nos.2 and 3 to protect the life and liberty of the petitioner which is allegedly threatened at the hands of respondent No.4.

The learned counsel for the petitioner contends that the petitioner has a reasonable apprehension in her mind that respondent No.4, who is her husband may thereafter her life and liberty at any time.

The learned State counsel refers to *Smt. Sarla Mudgil Vs. Union of India, 1995(2) R.C.R. (Criminal)518 (SC)* and *Lily*

Thomas Vs. Union of India, 2000(3) R.C.R. (Civil) 252 (SC) and contends that the petition is mala fide, and conduct of both the parties who are members of the disciplined force, is not above board.

The learned counsel for respondent No.4 contends that there is no threat on the part of the respondent No.4, to the life and liberty of the petitioner. He further contends that he married to the petitioner by converting his religion to Islam and had been consummating with the petitioner for long time. When the relations became sour, the petitioner started pressing respondent No.4, by moving various applications to the higher authorities.

I have heard rival contentions of the parties.

The petitioner is a Lady Constable with the Punjab Police. At the time of her posting at Police Station, Sadar Budhlada, she solemnized marriage with respondent No.4 on 04.06.2011, who was posted there as Station House Officer. The learned State counsel informs that during the pendency of this petition, the petitioner has been transferred to Suvidha Centre. This Court is not inclined to go into the allegation regarding the validity of the marriage in the present petition. The petitioner has not cited any specific instance of assault, quarrel or altercation, nor any application has been moved by the petitioner to the higher authorities expressing any apprehension to her life and liberty at the hands of respondent No.4. An FIR No.113 dated 11.10.2014, got registered by the

petitioner under Sections 494, 498-A of the Indian Penal Code is under investigation. Respondent No.4 also made serious allegations against the petitioner in his reply. There are allegations and counter allegations from both the sides. Respondent No.4 also filed a petition under Section 9 of the Hindu Marriage Act against the petitioner, which is still pending.

From the facts and circumstances detailed above, it appears that this petition is not a bona fide petition. There is no threat perception to the petitioner, especially when she is part of the police force whose statutory duty is to protect the general public. Whenever, she may have any grouse against respondent No.4, she may bring it to the notice of the higher authorities.

Dismissed.

13.02.2015

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(JITENDRA CHAUHAN)
JUDGE