

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

CRM-M No.35395 of 2015

Date of Decision:-14.10.2015

Arwinder Kaur.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Onkar Singh Batalvi, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Petitioner and respondent no.7 Gurjant Singh stand divorced by virtue of a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act. The dispute now is regarding a plot, which the petitioner i.e. erstwhile wife claims to be under her ownership and possession, whereas Gurjant Singh-respondent no.7 is stated to be unauthorisedly proceeding to construct on the said plot. On the day of occurrence on 14.09.2015, there appears to have quarrel occurrence at the site resulting into lodging an FIR against the present petition and her named co-accused on 16.09.2015 (P-13).

Prayer in the present petition, *inter alia* is for a fair and impartial investigation in the said FIR No.55 dated 16.09.2015 for offences punishable under Sections 307, 447, 427, 506, 34 of Indian Penal Code and Sections 25, 27, 54 & 59 of Arms Act registered with Police Station City-2,

Abohar, District Fazilka (**P-13**) in the light of respondent Gurjant Singh himself being posted as Wireless Operator in the Police Wing of District Fazilka.

After hearing counsel for the petitioner, this Court is not persuaded to interfere. The dispute essentially would be of a civil nature and it is open for the petitioner to seek appropriate civil remedy in accordance with law. As regard the allegations in the FIR, it is too early a stage to entertain the impression that free and fair investigation would be conducted at the instance of a Head Constable.

At this stage learned Counsel for the petitioner wishes to withdraw the present petition.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

October 14, 2015
Vinay