

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

CRM-M-41250 of 2014 (O&M).
Decided on:-18.12.2015.

Rajinder Kaur

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

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

Present:- Mr. Randeep Singh Rana, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Anterpreet Singh, Advocate
for respondents No.5 and 6.

HARI PAL VERMA, J.

Petitioner Rajinder Kaur wife of Sukhdev Singh, resident of village Arjanwal, Tehsil Adampur, District Jalandhar, now resident of village Bhadson, Tehsil Nabha, District Patiala has filed the present petition under Section 482 Cr.PC for issuance of a direction to respondents No.1 to 4 to provide her protection of life, liberty and property as she apprehends danger at the hands of private respondents No.5 and 6. Direction has also been sought against respondents No.1 to 4, not to

register any criminal case against the petitioner or any other person at the instance of private respondents and also to get released the passport and other documents from custody of private respondents.

As stated in the petition, the private respondents No.5 and 6 are husband and son of the petitioner and her marriage was solemnised with respondent No.5 on 8.3.1985. It being the second marriage of respondent No.5 with the petitioner and two sons were born from their wedlock, namely, Pardeep Singh and respondent No.6 Navjot Singh. The elder son of the petitioner is living at Canada for the last 20-22 years. While respondent No.5 is a habitual drunkard, respondent No.6 is habitual of taking drugs. Both the private respondents used to give merciless beatings to the petitioner and, even tried to kill her. The petitioner has requested them not to cause any trouble, but it did not have any effect upon them. The petitioner has also given representation to the police, but the police has not taken any action, rather, the police has connived with respondents No.5 and 6. Thus, the precise grievance of the petitioner is that local police as well as the private respondents in connivance with each other have threatened her with dire consequences and her life and liberty is at danger.

Learned counsel for the petitioner has contended that the petitioner apprehends danger at the hands of private respondents No.5 and 6 and, therefore, the official respondents are required to extend protection of life and liberty to her.

Reply by way of affidavit of Vivek S. Soni, IPS, Assistant Superintendent of Police, Sub Division, Adampur, District Jalandhar (Rural) on behalf of respondents No.1 to 4 has been filed. It has been pleaded in the reply that the petitioner had concealed real facts at the time of filing the petition and specifically the relief of direction to the answering respondents to get released the passport and other documents from the custody of the private respondents. Her passport bearing No.F-0362680 issued on 29.9.2004 and valid upto 28.9.2014 was allegedly lost and in this regard, a lost report in the month of August 2014 was lodged by the petitioner herself. The petitioner had applied for a fresh passport for which the office of the Regional Passport Officer sent an enquiry to Police Station, Adampur, where it was received on 2.9.2014. Upon verifying the status and residence of the petitioner, the then enquiry officer sent the report dated 19.9.2014 to the Regional Passport Officer with his comment "Passport Not Recommended" because the petitioner was neither residing at village Arjanwal, District Jalandhar nor her whereabouts were known to the villagers as per the information sought from Ram Asra, Member Panchayat of village Arjanwal.

It has further been pleaded in the reply that the present petition has been filed by the petitioner in order to save herself from the clutches of the investigating agency in FIR No.199 dated 10.11.2012 under Sections 326, 452, 325, 323, 148, 149 and 120-B IPC registered at Police Station, Adampur. Said FIR has been lodged by private respondent No.6 Navjot Singh. Five persons, namely, Kuldip Singh son of Mohinder Singh,

Kuldeep Singh son of Shingara Singh, Amarjit Kumar son of Jagat Ram, Amarjit Singh son of Puran Singh and Varinder Kumar @ Monu son of Piara Lal have been named as accused in the said case. During the course of investigation in the said FIR, accused Varinder Kumar and Kuldip Singh got recorded their confessional statements voluntarily on 19.9.2014 and 14.12.2014 respectively. As per these confessional statements, the petitioner is one of the co-accused along with other conspirators named in above FIR No.199. Challan in the said case has been presented in the Court of Sh. Arun Gupta, JMIC, Jalandhar, but the petitioner is still absconding from her arrest. The petitioner in order to get a favourable indirect relief has filed the present petition just to save herself from the trial of FIR No.199. Therefore, the petitioner has not approached this Court with clean hands.

Similarly, reply on behalf of respondents No.5 and 6 has been filed claiming therein that the petitioner has not only concealed the material facts, rather, has made misrepresentation which warrants dismissal of the present petition. It is submitted that even respondents No.5 and 6 are the victims of harassment at the hands of the petitioner and her accomplice. It is the petitioner who took law into her own hands and caused serious injuries to respondents No.5 and 6 through her associates in crime for which FIR No.199 dated 10.11.2012 under Sections 326, 452, 325, 323, 148, 149 and 120-B IPC was registered against her and her associates on the statement of respondent No.6.

I have heard learned counsel for the parties.

No doubt, the prayer made by the petitioner is very appealing at the first instance, but a deep scrutiny in the contents of the case reveals that FIR No.199 dated 10.11.2012 under Sections 326, 452, 325, 323, 148, 149 and 120-B IPC has been registered at Police Station, Adampur at the behest of respondent No.6 Navjot Singh. As per the confessional statement of Varinder Kumar and Kuldeep Singh, the petitioner is one of the co-accused along with other persons. Challan in the said case has been presented, but the petitioner is absconding from her arrest. It is in order to put pressure upon the respondents, the petitioner has filed the present petition. Therefore, the very purpose of filing of the present petition gives a different smell.

Interestingly, while filing the present petition, the petitioner has not even made remote reference to the aforesaid FIR No.199 registered against her and other accomplices. She is absconding from her arrest. The relief claimed in this petition is discretionary in nature, but the petitioner has opted to disclose less and conceal more. It is a settled law that those who approach the Court with unclean hands have no right to be heard on merits of the case, and such like cases deserve to be dismissed outrightly.

In view of the above, the petitioner does not deserve any direction from this Court as prayed by her in the present petition and the same, being devoid of any merit, is dismissed.

December 18, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE