

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-41756 of 2014 (O&M)
DATE OF DECISION : 10.4.2015

Ikbal Singh

PETITIONER

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers 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:- Shri M.S.Bedi, Advocate for the petitioner

Shri P.J.S.Hundal, A.A.G. Punjab.

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. for release of the petitioner in a case registered vide F.I.R. No.10 dated 3.11.2014 unde Section 498-A I.P.C. at Police Station Women, Amritsar City.

The dispute has arisen out of a marital discord and this Court persuaded by the consistent stand of the petitioner that he is willing to resolve the dispute with the complainant, had granted interim protection. The matter was even

referred to Mediation & Conciliation Centre of this Court. Even though the petitioner had joined investigation on some occasions, but he failed to return the valuables to the complainant.

The Court has given a number of opportunities to the petitioner in this regard. Even on the previous date of hearing, the Court granted an opportunity to the petitioner on his asking, but he has failed to return the dowry articles.

The relief under Section 438 Cr.P.C. is an equitable relief which has to be afforded only to persons who deserves equity. The petitioner evidently is a person who has not joined investigation to the satisfaction of the Investigating Officer, but has merely tried to derive an advantage of the interim protection granted to him by not adhering to the investigation process.

Thus, I do not find any reason to grant an equitable relief to the petitioner.

The petition is dismissed. The respondents would be at liberty to arrest the petitioner and submit him to the process of law.

April 10, 2015
GD

(MAHESH GROVER)
JUDGE