

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

CRM-M-21390-2016 (O&M)
Date of Decision: 07.09.2016

Balbir Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anurag Chopra, Advocate
for the petitioner (s).

Mr. Luvinder Sofat, AAG, Punjab

None for respondent No.4.

JITENDRA CHAUHAN, J (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') for issuance of directions to the official respondents to protect the life and liberty of the petitioners which has been allegedly prejudiced and harassed on the basis of false complaint filed by respondent No.4; to make a thorough inquiry into the contents of the complaint by affording an opportunity of hearing to the petitioners; and that no coercive measures may be undertaken without adhering to the procedure of law.

The learned counsel for the petitioners contends that the marriage of son of petitioner Nos.1 and 2, namely, Dalwinder Singh was solemnized with Sumita Multani, daughter of respondent No.4 on 22.02.2010. Both husband and wife are living in America. Wife filed a divorce petition in the

Court at Mohali and thereafter withdrew the same vide order dated 09.05.2014. He further states that now both husband and wife are living separately in America. Husband has filed a petition seeking dissolution of marriage before Hon'ble the Supreme Court of the State of New York on 28.04.2016. Lastly, he states that police is unnecessarily harassing the petitioners on the basis of the complaint made by the mother of wife, Bachan Kaur-respondent No.4.

On the other hand, the learned State counsel submits that respondent No.4 has gone abroad and as soon as she join the investigation, inquiry upon both the applications moved by petitioner No.1 and respondent No.4 will be finalised.

Heard.

Keeping in view the fact that respondent No.4 has gone abroad, without adverting to the merits of the case, at this stage, the present petition is disposed of with a direction to official respondents that in case the police of District Mohali requires the petitioners, then they shall issue a seven days prior notice under Section 160 of the Cr.P.C. to them.

07.09.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No