

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

Sr. No.257

Criminal Writ Petition No. 319 of 2016

Date of decision : March 29, 2016

Amit Thakur

...Petitioner...

versus

State of Punjab and others

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Abhinav Ghabroo, Advocate for
Mr. Rahul Sharma-I, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, Assistant Advocate General,
Punjab, for respondents No.1 & 2.

Ms. Anupam Bhanot, Advocate,
for respondent No.3.

JASPAL SINGH, J.

This petition has been preferred by Amit Thakur under Article 226 of the Constitution of India seeking issuance of writ of habeas corpus allegedly for the release of his wife namely Saloni Thakur from the illegal custody of respondent No.3.

In pursuance of the notice of motion issued by this Court Mr. RPS Sidhu, AAG, Punjab has appeared and filed reply on behalf of the official respondents.

The relevant paragraph No.1 of preliminary submissions

reads as under:

“That Saloni Thakur is the daughter of Avinash Kapoor respondent No.3 who was earlier married to Amit Thakur petitioner. The petitioner has filed the present petition for issuance of writ of Habeas Corpus alleging that her wife Saloni Thakur had been illegally detained by respondent No.3. In this connection it is submitted that an enquiry in to the matter has been conducted and statements of Saloni Thakur, her mother Nisha Kapoor, and her father Avinash Kapoor (respondent No.3) and neighbours Lalita Arora and Harsh Rani have been recorded. From the statements it has been revealed that Saloni Thakur has not been kept in illegal custody by respondent No.3. Saloni in her statement stated that she was married to Amit Thakur petitioner on 24/11/2007. From this wedlock two sons namely Keshav and Chetan were born. At the time of the marriage her parents have given sufficient dowry but her in-laws started harassing her and were demanding more dowry. On 9/03/2013 she was turned out of house by the petitioner along with her sons after giving her beatings. She came to the house of her parents and got a case registered vide FIR No. 42 dated 21/05/2013 under section 406/498-A 323 IPC at

Police Station Women Cell, Jalandhar which is pending in the Court of Shri Amandeep Singh Ld. JMJC, Jalandhar she had also filed a petition under section 125 Cr.P.C. in which she had been granted maintenance. She had also filed a petition under the Domestic Violence Act. She further stated that her husband was a millionaire but she was not paying maintenance regularly. She further stated that her husband had also filed petitions under section 9 and section 13 of Hindu Marriage Act. She further stated that she was harassed by her husband and now she was living with her parents along with her children. She finally stated that she has not been kept in illegal custody she apprehended danger to her persons and property and she is living safely with her parents similar statements have been given by her mother Nisha Kapoor and her father Avinash Kapoor (respondent No.3) as well as by the neighbours Lalita Arora and Harsh Rani. The statements of these persons are enclosed as Annexure R-1 to R-5 and their English translation is attached as Annexure R-1/T to Annexure R-5/T. In view of the above circumstances it is clear that Saloni Thakur wife of the petitioner has not been kept in illegal custody by respondent No.3.”

A glance at the preliminary submissions transpires that instant petition has been filed by the petitioner with mala fide intention that without disclosing the registration of the FIR against him at Police Station Women Cell, Jalandhar and pendency of the criminal litigation as well as civil litigation.

At this juncture, Ms. Anupam Bhanot, Advocate appearing on behalf of respondent No.3 submitted that approximately Rs.9 lacs is outstanding as maintenance and litigation expenses against the petitioner and the present petition has been filed just to delay the recovery thereof.

In view of the facts and circumstances narrated above, the instant petition filed by the petitioner is for the wastage of time of the Court and as such, the same is dismissed.

March 29, 2016

Ankur

**(JASPAL SINGH)
JUDGE**