

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-15096 of 2017

Date of Decision: May 02, 2017

Sahab Khan

...Petitioner

Versus

Islam

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Pradeep Virk, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that as a matter of fact, the present complaint instituted by the respondent herein, is the outcome of a marriage dispute between the petitioners' son and daughter-in-law.

He further submits that though the matter was eventually compromised, many other complaints were thereafter filed by the relatives and friends of the daughter-in-law, this being one of them.

However, looking at the nature of the allegation made in the complaint, obviously, there is no nexus seen at all between any marriage dispute and the allegation made. If the allegations are actually wholly without basis and the petitioner can show the trial Court that the complaint is only a cover up for the dispute which has its basis in a matrimonial issue, that would be something which would be a matter of evidence before the trial Court itself.

Learned counsel further submits that non-bailable warrants

have been issued against the petitioner to procure his presence before the trial Court.

That is a separate issue altogether as non-bailable warrants were obviously issued because the petitioner did not answer the summons in the first instance. Such orders not being before this court, no interim protection can be granted without a perusal of those orders.

Consequently, this petition is dismissed.

Nothing stated herein above shall be taken to be an observation of this Court on the actual merits of the case for or against the petitioner.

As regards the issuance of non-bailable warrants against the petitioner, the petitioner would be at liberty to challenge such orders in any appropriate proceeding, which would thereafter be naturally considered on its own merits.

May 02, 2017
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(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no