

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

CRM No. M-18973 of 2017 (O&M)

Date of Decision: 26.05.2017

Sukhwant Kaur & another

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Balkar Singh, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. praying for issuance of directions to official respondents No.1 to 3 to take necessary steps for protection of life and liberty of the petitioners by voicing an apprehension and threat to the same at the hands of private respondents No.4 to 6.

Counsel for the petitioners has been heard at length.

Pleadings on record would indicate that respondent No.4 herein was married to Paramjit Singh (since deceased) on 14.12.2014. Present petitioners are the mother and sister respectively of Paramjit Singh (deceased).

Apparently, the matrimonial alliance between Paramjit Singh and respondent No.4 did not work out and a petition under Section 13-B of the Hindu Marriage Act for obtaining divorce by mutual consent was filed. Statement in first motion was recorded. However, Paramjit Singh expired on 30.12.2016 before second motion could be recorded.

Counsel for the petitioners would contend that as per statement

recorded in first motion, a total sum of Rs.8.50 lakhs was to be made over to the wife/respondent No.4 towards permanent alimony. Out of such total amount, Rs.4.25 lakhs had been given by way of demand draft in first motion and the balance amount of Rs.4.25 lakhs was to be given on second motion. It is the contention that even though Paramjit Singh expired on 30.12.2016 but petitioner No.1 herein had offered the balance amount of Rs.4.25 lakhs towards compliance of the settlement amount recorded at the stage of first motion.

Case set up is that respondent No.4 in connivance with her brother i.e. respondent No.6 and her cousin brother, respondent No.5 are now threatening and pressurizing the petitioners to part with a certain immovable property i.e. a plot ad measuring 205 Sq. Yards situated at Ranjit Nagar, Ambala City.

This Court finds that the averments made in the present petition regarding danger to life and liberty of the petitioners and the threat perception voiced are utterly vague. There would be no basis for this Court of infer any threat perception to the petitioners in the light of the averments made in the petition.

Apparently, the bone of contention is the plot ad measuring 205 Sq. Yards situated at Ranjit Nagar, Ambala City and which as per averments made in the petition was purchased by Paramjit Singh (since deceased) in the year 2010. Prior to his demise and on 14.01.2015, Paramjit Singh had transferred the ownership/title of such plot in equal shares in the names of the present petitioners. After his demise, petitioner No.1 has further transferred her 50% share of the plot in the name of her own daughter i.e. petitioner No.2.

The rights in respect of such plot that may be exercised by respondent No.4 cannot be a subject matter of examination and consideration in the present petition filed under Section 482 Cr.P.C.

Parties would be at liberty to take out appropriate proceedings in relation thereto.

As has been noticed hereinabove, the pleadings on record are completely lacking with regard to apprehension to life and liberty of the petitioners and at the hands of private respondents No.4 to 6.

No case for issuance of directions as prayed for is made out.

Petition is dismissed.

This order was dictated in open Court. Counsel having taken a chance has now prayed for withdrawal of the petition. Such prayer can only be termed as unfortunate.

Prayer is declined.

It is, however, observed that dismissal of the present petition would not preclude the petitioners from availing of any other remedy as may be available to them in accordance with law.

26.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |