

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

Criminal Misc. No.M- 20762 of 2017(O&M)

Date of Decision: June 2 , 2017.

Rakesh Kumar PETITIONER (s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anil Chawla, Advocate
for the petitioner.

LISA GILL, J.

There is a matrimonial dispute between the petitioner and respondent No.5. The petitioner seeks a direction to the official respondents to take an appropriate action against respondent No.5 in terms of the findings arrived at in an inquiry conducted by the Assistant Commissioner of Police (Complaints), Gurdaspur. It is contended that respondent No.5 – Nishi Bains i.e., the petitioner's wife is working as a Staff Nurse, PHC, Behrampur as well as a Clinical Instructor in Aman Bhalla College of Nursing, Jammu-Amritsar Highway Kotli, District Pathankot. She is thus committing a fraud with the government by illegally working at two place at the same time. The Deputy Superintendent of Police, Gurdaspur had illegally refused to take any action on the ground that in case any action is to be taken it is for the department to initiate

the same (Annexure P1 dated 29.04.2015). Thereafter the Assistant Commissioner of Police (Complaints), Gurdaspur looked into the matter and concluded that respondent No.5 besides being a Staff Nurse was working at the Aman Bhalla College of Nursing from 28.10.2010 to 31.10.2013. However, request was made for transfer of the said inquiry to which the officer had no objection. The petitioner yet again submitted a complaint (not on record of this case) however, no action has been taken. Thus aggrieved, this petition has been filed.

I have heard learned counsel for the petitioner and have gone through the file.

It is not in dispute that there is a matrimonial dispute between the petitioner and respondent No.5. An FIR under Section 406/498A IPC stands registered against the petitioner at Police Station Behrampur, District Gurdaspur at the instance of respondent No.5. Proceedings under the Protection of Women from Domestic Violence Act, 2005 have been initiated by respondent No.5 against the petitioner. The petitioner has filed a petition under the Hindu Marriage Act seeking divorce from respondent No.5.

Therefore in the present factual matrix where the petitioner and respondent No.5 are involved in multifarious litigation arising out of matrimonial discord, it is not considered just and expedient to interfere in the matter in exercise of jurisdiction under Section 482 Cr.P.C. The possibility of one party trying to settle scores in an oblique manner cannot be ruled out. Furthermore, it is always open for the concerned department to take appropriate action in case respondent No.5 is found to be working simultaneously at two

places as alleged.

This petition is accordingly dismissed.

However, it is clarified that there is no expression of opinion on the merits of the controversy regarding holding of two posts simultaneously by respondent No.5 and the competent authority is obviously free to take a decision if/as and when the matter may be before it.

June 2 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No