

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6286 of 2013
Date of Decision: 18.01.2017

Simran Mann

.....Petitioner

Vs.

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.G.S.Sandhu, Advocate, for the petitioner.

Mr.D.R.Singla, Addl.A.G.Haryana.

Mr.S.K.Rana, Advocate, for respondent No.4.

Mr.Kulwant Singh, Advocate, for respondents No.5 and 6.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for issuance of direction to the respondents No.1 and 2 to protect the life and liberty of the petitioner from the hands of respondents No.3 to 6 and not to harass and humiliate the petitioner and other family members at the instance of respondents No.5 and 6.

The brief facts of the case are that the marriage of the petitioner was solemnized with respondent No.5 on 21.04.1999 and after the marriage, the petitioner was being harassed and maltreated by the respondents No.5 and 6 for lust of dowry. The behaviour of the respondents No.5 and 6 towards the petitioner was very harsh and cruel but with the passage of time two children were born out of this wedlock, so, for the sake of her children, the petitioner used to tolerate harassment given by her in-

and 6 did not amend their ways and kept on torturing the petitioner time and again and the family of the petitioner finding no other way kept on fulfilling the demand of respondents No.5 and 6. On 23.04.2012, the petitioner was thrown out from her matrimonial home after giving beatings, because the parents of the petitioner were fed-up with illegal demands of the respondents No.5 and 6. Thereafter, Panchayat were also convened, but all in vain. Thereafter, petitioner had filed complaint under Domestic Violence Act before the Court of learned Illaqa Magistrate, Karnal. The copy of the said complaint dated 15.05.2012 has been attached with this file as Annexure P-1.

On the other hand, the respondent No.5 had filed petition under Section 13 of Hindu Marriage Act, for dissolution of marriage. As the respondents No.5 and 6 were summoned in complaint under Domestic Violence Act and vide order dated 20.10.2012, the respondent No.5 was directed to pay Rs.1500/- as rent to the petitioner. However, respondent No.5 by playing fraud with the petitioner allured the petitioner for compromise. Believing the respondent No.5, the petitioner withdrew her complaint vide order dated 14.01.2013. The copy of order dated 14.01.2013 passed by learned JMIC, Karnal, has been attached here with as Annexure P-2. Thereafter, the respondent No.5 refused to withdraw the divorce petition filed by him. The another allegation has further been made by petitioner that respondents No.5 and 6 had given beatings to the petitioner and tried to throw out the petitioner from her matrimonial home. The matter was reported to the Police on 100 number but no action had been taken by the concerned department. The petitioner was produced by the police at the residence of SDM Karnal with a request to sent her to Nari Niketan but after

hearing the parties, learned SDM, Karnal, petitioner was ordered to be sent to her matrimonial house. Thereafter respondent No.5 moved an application for recalling the order date 13.02.2013 passed by learned SDM, Karnal, but the same dismissed. The copy of the same has been annexed with this petitioner as Annexure P-3.

On notice, reply dated 15.05.2013 has been filed by DSP (City), Karnal and reply dated 20.05.2013 has been filed by ASI Sher Singh. However, allegations against the respondents 3 and 4 were found false and baseless to the very knowledge of the petitioner.

Reply was also filed by respondents No.5 and 6 stating therein that petitioner on account of her greed wanted a share in the property of respondent No.5 this fact was also apparent from the perusal of the order dated 22.10.2012 passed by JMJC, Karnal. It was further submitted in the reply that petitioner had been living separately since May, 2011 in her parental house. Moreover, the petition under Section 13 of the HMA for grant of divorce filed by respondent No.5 is pending.

In view of the above, no further orders are required to be passed in the matter and the present petition is dismissed as such. However, petitioner can file fresh application in the matter, if need be in future.

(RITU BAHRI)
JUDGE

18.01.2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>