

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

CRWP No.354 of 2018
DATE OF DECISION:01.10.2018

Pankaj Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Preeti Sharma, Legal Aid Counsel and
Mr. Ashok K. Sharma, Advocate
for the petitioner.

Mr. C. L. Pawar, Senior DAG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

A written complaint was sent by the petitioner stating therein that Pardeep Kumar and Rakesh Tidda have taken away his wife Kirna along with gold and a sum of Rs.2,20,000/-. Notice of motion was issued on 18.04.2018. In response to notice of motion, reply has been filed which is on record.

Learned State counsel on the basis of reply submits that on the basis of statement made by petitioner FIR No.168 dated 05.05.2018 under Section 346 IPC was registered at Police Station Model Town, Ludhiana against Pardeep Kumar for illegally detaining wife of the petitioner. During investigation it was revealed that the wife of the petitioner had not been detained by said Pardeep Kumar. Rather the petitioner used to give beatings to his wife and thereafter she left the petitioner's house on 24.02.2018. She is residing with her Aunt namely Mrs. Ravinder Kaur. A

petition under the Domestic Violation Act has been filed by the wife of the petitioner which is pending before the Court of JMIC, Ludhiana. Statement of wife of the petitioner has been recorded Section 164 Cr. P. C. wherein she has reiterated the same version. In the FIR, cancellation report has been prepared and same will be filed before the Court.

Keeping in view the statement of wife of the petitioner recorded under Section 164 Cr. P. C., it cannot be said to be a case of illegal detention or as she is not residing with the petitioner for some other reasons.

Learned counsel for the petitioner also submits that petitioner is having threat not only to him but to his daughters also.

The petition is dismissed.

In case any threat is there, he is at liberty to make a detailed representation to the Police authority. In case such representation is made, the same be considered and decided by the Police authorities in accordance with law.

01.10.2018
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(DAYA CHAUDHARY)
JUDGE

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