

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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*CWP No.19413 of 2018*  
*Date of Decision:06.08.2018*

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Ashu Veerawal

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

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**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

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Present: - Mr.Ivan Singh Khosa, Advocate,  
for the petitioner.

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***RAKESH KUMAR JAIN, J.***

The petitioner has prayed for the issuance of a writ in the nature of mandamus for seeking a direction to constitute a Special Investigating Team [SIT] for investigation in FIR No.1111 dated 19.12.2017 registered under Sections 323, 406, 498-A of the IPC at Police Station Model Town, Panipat.

In brief, the marriage of the petitioner was solemnized with Takdir Singh on 21.11.2016 at Panipat. Her husband was working in a multinational company and was sent to Ghana, Africa. The petitioner also went to Burkina Faso, Africa on 4.5.2017 to live with her husband, who had allegedly maltreated her. The petitioner came back to India and when the maltreatment continued, registered the aforesaid FIR.

The grievance of the petitioner is that she is being forced by the prosecution for her mental check up as allegations are being made by her in-laws that she is suffering from a mental disease. It is submitted that the petitioner cannot be forced to undergo the test of that nature. The petitioner

had allegedly also moved an application for seeking status report of her case before JMIC, Panipat but her application was dismissed on 18.1.2018. The said order is of course not challenged in this case as no writ of certiorari has been filed. Moreover, the petition under Section 12 of the Hindu Marriage Act, 1955 was also filed by the husband of the petitioner for seeking a declaration that his marriage with the petitioner is a nullity because the petitioner is suffering from schizophrenia or is a chronic patient of mental disorder. The said petition is pending.

Thus in view of the aforesaid facts and circumstances and without there being any specific allegation against the prosecution agency, except that she has been asked to undergo some test, the prayer made in this petition cannot be granted for the purpose of constituting the SIT.

Dismissed.

06.08.2018

*Vivek*

(RAKESH KUMAR JAIN)  
JUDGE

*Whether speaking /reasoned* : *Yes/No*

*Whether Reportable* : *Yes/No*