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IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRM-M No.57424 OF 2018(O&M)

Date of Decision: 19.12.2018

Amritpal and othersPetitioners

versus

State of Punjab and othersRespondents

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Naveen Sharma, Advocate for the petitioners.

MAHABIR SINGH SINDHU, J(ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') for issuance of direction to the respondent no.2 to conduct the investigation on the representation dated 21.11.2018 (Annexure P-1) through some independent agency or some other higher rank police officer. Further prayer is for protecting the life and liberty of the petitioners at the hands of respondents no.3 and 4.

Brief facts of the case are that petitioner no1. Amrit Pal and respondent no.3-Manjit Kaur are known to each other for the last about 8 years and later on solemnized marriage against the wishes of petitioners no. 2 to 4 on account of their personal liking. Further alleged that respondent no.3 is a quarrelsome lady and she was already married to respondent no.4 and both respondents no.3 and 4 were residing at Delhi but this fact was not within the knowledge of the petitioner no.1. Further alleged that one child namely Simranjeet Singh was also borne out of the wedlock of respondents no.3 and 4 but this fact was also not disclosed by respondent no.3 to the

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petitioners at that time and as such she has defrauded the petitioner no.1.

It is the contention of the learned counsel for the petitioners that since the respondent no.3 was already married with respondent no.4 and, therefore, she should be prosecuted.

Heard learned counsel for the petitioners and perused the paper book.

Undisputedly, petitioner no.1 and respondent no.3 got married with their free consent and they are known to each other for the last eight years. It transpires from para no.4 of the petition that they were granted protection by the Court of learned District and Sessions Judge, Ludhiana on account of the apprehension faced by them from petitioners no.2 to 4 and since then they are living as husband and wife. If at all, there is a concealment of the earlier marriage by respondent no.3 then the petitioner no.1 has a remedy under law, but certainly the petition under Section 482 Cr.P.C cannot be the appropriate recourse to be taken in view of the facts and circumstances of the present case. Even otherwise, as per the averments made by the petitioners themselves respondent no.4 along with his son namely Simranjeet Singh are residing at Delhi, therefore, it is not conceivable as to how and in what manner the petitioners are apprehending threat to their lives and liberty at the hands of respondent no.4. Thus, in the opinion of this Court, present petition is sheer abuse of process of law.

In view of the above, this Court does not find any merit in the present petition and consequently, the same is dismissed.

However, it would be open for the petitioners to take recourse to remedy available under law, if so advised.

The observations made hereinabove may not be construed as expression of opinion on legality and validity of the marriage of petitioner no.1 with respondent no.3.

19.12.2018	(MAHABIR SINGH SINDHU)
mamta	JUDGE

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