

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-15871 of 2019 (O&M)
Date of decision : May 14, 2019

Harsimran Singh Johal and another

....Petitioners

versus

State of Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Randhawa, Advocate, for the petitioners

Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State/
respondents no. 1 to 4

Fateh Deep Singh, J. (Oral)

Petitioners Harsimran Singh Johal and his mother Navjot Johal have invoked the jurisdiction of this Court by filing the instant petition under Section 482 of the Code of Criminal Procedure seeking issuance of directions to the official respondents no. 2 and 3 not to initiate multiple inquiries on the complaint of private respondent no. 5 who is habitual to file false complaints.

Heard Mr. RS Randhawa, counsel for the petitioners; Mr.

Avtar Singh Sandhu, Addl. AG Punjab for the State/respondents no. 1 to 4 and perused the records.

As is there prima facie apparent from the records marriage between petitioner Harsimran Singh and daughter of respondent no. 5 namely Navnimrat Kaur took place on 22.11.2014, out of which the couple gave birth to a male child. However, on account of matrimonial dispute, the complainant respondent no. 5 made complaints against the petitioners' side which have been well enumerated and need not be reproduced for the sake of brevity. The main grouse of the petitioners are that they were being repeatedly called in the police and multiple inquiries are being conducted by the official respondents and then they have been unnecessarily harassed and humiliated. Counsel for the petitioners has sought to assert that it is clear and clear misuse of the process of the court and therefore, prayed for grant of the relief.

Learned State counsel on behalf of the official respondents has stoutly opposed the prayer on the grounds that as per the records of official respondents, three complaints at different point of times have come about from the private respondent and all the three were consigned to the records/filed on account of pending dispute in a court of law and therefore, the matter being sub-judice

no such claim of the petitioners subsists.

Appreciating the submissions as one can gather it is nothing but a game of ego and one-upmanship between the side of the girl and the boy. It is the bounden duty of the police on receipt of a complaint to look into it and if so necessitated to take appropriate action thereon. However, as has been argued and brought to the notice of this Court by Mr. Sandhu, three complaints Annexures P/2, P/3 and P/5 were made in which no detailed inquiry has been held and in view of pendency of the litigation in a court of law, the same were consigned to the records. Mr. Randhawa to this averment could not refute the same. There is specific note in the proceedings that since court case is pending between the parties, therefore, no action was necessitated. Thus, in the light of this categorical stand of the State which is duly supported by the documents to that effect it is the own “*self created mirage*” of the petitioners that they have been harassed or multiple inquiries are being conducted and rather it appears to be another attempt by the petitioners to overawe the other side in this prolonged battle of wits between them. Provisions of Section 482 Cr.P.C. are the handiwork to meet the ends of justice to undo any misuse of the process of law. However, in the present case, nothing is discernible which could necessitate this Court to

take cognizance of the present petition. Thus, the petition being bereft of any merit, stands dismissed.

May 14, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No