

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

CRWP No.529 of 2019 (O&M)

Date of Decision: July 17, 2019

Jitender

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.V.K.Gupta, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Haryana and other respondents under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. for releasing detainee Anshu wife of the petitioner from the illegal custody of respondents No.5 to 14 and to appoint warrant officer to release the detainee.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record shows that earlier also, present petitioner filed the petition on the same ground to get released detainee Anshu from the illegal custody of private respondents i.e. CRWP No.878 of 2018, which was decided by the Coordinate Bench on 27.11.2018. In the said order, it is mentioned that learned State counsel, on instructions from

detenue is staying with her parents with her sweet will. It is also held by the Coordinate Bench that detenue is daughter of Latif and other respondents are sons of Latif i.e. brothers of alleged detenue and one of the respondent is sister of alleged detenue. As such, it cannot be said that she is in the illegal custody of her own brothers and sister and there being no merit, that petition was dismissed.

Learned counsel for the petitioner admitted at the time of arguments that alleged detenue is continuously residing with the private respondents since then. When once the petition has been dismissed on the same facts by this Court by stating that detenue is residing with her own wish/consent i.e. with her brothers and sister and her custody is not illegal, then filing of present petition is nothing but abuse of process of law. Furthermore, the petitioner himself has placed on record Annexure P-7 which is the petition filed by petitioner Jitender against Anshu under Section 9 of the Hindu Marriage Act, in which the proceedings were pending for 30.05.2019. This petition for Restitution of Conjugal Rights further show that the parties are in litigation.

From the facts and circumstances of this case, I find that present petition has been filed only with an intention to harass detenue Anshu, who is stated to be wife of the petitioner, and this petition is false and frivolous one and filed just to harass detenue Anshu as well as her relatives.

Therefore, the present petition is dismissed with the costs of ₹50,000/- to be deposited with learned CJM, Gurugram within one month, which shall be paid to alleged detenue Anshu, as per rules. It is also made

clear that if the costs is not deposited within specified time, then learned

CJM, Gurugram, shall get it recovered as arrears of land revenue for payment to the alleged detinue. Learned CJM, Gurugram, is directed to send the report after three months regarding depositing/recovering the above-said amount and payment thereof to the alleged detinue.

July 17, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No