

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35129-2018
Date of Decision: 26.02.2020

Harjinder Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Tanwar, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Ms. Reeta Kohli, Senior Advocate, with
Mr. Abhay Mehal, Advocate, for respondent No.4.

Harnaresh Singh Gill, J.

By way of the present petition filed under Section 482 Cr.P.C., the petitioner seeks issuance of directions to respondent No.2 to take appropriate legal action on the representation dated 1.8.2018 (Annexure P.1) moved by her against respondent No.4 and further for issuance of directions to respondent Nos. 2 and 3 to take appropriate action against respondent No.4 for having illegally trespassed in her house, thereby causing grave injuries to her.

Respondent No.4 –Satwinder Kaur is wife of Arvinder Pal Singh, elder son of the petitioner. It is averred in the petition that the petitioner is residing with her younger son Sukhjeet Singh and his wife Sandeep Kaur in House Nos. 1421-1422, Rarhi Mohalla, Near Old Brown Road, Ludhiana; that she has disowned her elder son Arvinder Pal Singh and respondent No.4;

that on 31.07.2018 at 8.00 p.m., respondent No.4 had trespassed in the house of the petitioner and gave beatings to her, pulled her hair, dragged her and bit at various places on her body; besides giving her slaps and punches and that she had made a representation dated 1.8.2018 to respondent No.2-Commissioner of Police, Ludhiana, but to no avail.

In the reply filed by respondent Nos. 1 to 3, it is pointed out that an intensive inquiry was conducted in the representation dated 1.8.2018 filed by the petitioner and after taking into consideration the MLR, only commission of offence under Section 323 IPC was found to be made out and consequently, DDR No. 20 dated 4.8.2018 was registered at P.S. Division No.3, Ludhiana. It is further pointed out that regarding the same occurrence, FIR No.165 dated 10.10.2018 under Sections 323, 341, 506, 34 IPC at Police Station Division No.3, Ludhiana, was got registered by respondent No.4 against the petitioner, her younger son Sukhjit Singh and his wife Sandeep Kaur. After completion of investigation, challan was presented and the charges have since been framed in the said case.

In the reply filed by respondent No.4, it is pointed out that in the proceedings under the Protection of Women from Domestic Violence Act, 2005, she had been granted ad-interim maintenance besides right to reside in her matrimonial house; that FIR No.165 dated 10.10.2018 under Sections 323, 341, 506, 34 IPC at Police Station Division No.3, Ludhiana, was registered by her against the petitioner, her younger son Sukhjit Singh and his wife Sandeep Kaur; that in order to defeat the

rights of respondent No.4, the petitioner had disowned husband of respondent No.4, whereas the matrimonial house i.e. House Nos. 1421-1422, Rarhi Mohalla, Near Old Brown Road, Ludhiana, had been transferred by the petitioner in favour of her younger son Sukhjit Singh on 10.10.2017 and 13.10.2017 and further in order to defeat her lawful rights as regards the said matrimonial House, Sukhjit Singh and his wife Sandeep Kaur, had filed a civil suit for permanent injunction against respondent No.4. Thus, it is stated that as many as 8 cases have been filed against respondent No.4 by the members of her in-laws' family.

Keeping in view the fact that respondent No.4 has been granted a right to reside in her matrimonial house, it cannot be said that she had committed any offence of trespass by entering the said house. So far as the allegations and counter allegations by the petitioner and respondent No.4 against each other are concerned, suffice it to say that various cases are pending between them before the Court of competent jurisdiction, therefore, I do not find any ground to go into that aspect of the matter.

In view of the above, I do not find any ground to entertain the present petition. Consequently, the same is dismissed.

February 26, 2020
ds

(HARNARESH SINGH GILL)
JUDGE

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No