

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

CRWP-7248-2020 (O&M)
Date of decision : 16.09.2020

Kanchan

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Lupil Gupta, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a criminal writ petition under Articles 226/227 of the Constitution of India, for issuing writ in the nature of mandamus directing respondent Nos.2 to 4 to ensure the protection of life and liberty of the petitioner and her family members at the hands of respondent No.5 and further for directions for conducting a fair and impartial enquiry into the complaint dated 19.06.2020 (Annexure P-7).

The brief facts relevant to the present case are that the petitioner is the legally wedded wife of respondent No.5 and out of the wedlock two sons were born, who are in the custody of respondent No.5. Due to matrimonial discord, the petitioner had lodged FIR No.280 dated 24.09.2019 under Sections 498-A, 406, 323 of the Indian Penal Code, 1860 at Police Station Dabwali, District Sirsa. After the registration of the FIR, respondent No.5 applied for anticipatory bail which was dismissed by the Trial Court vide order dated 18.10.2019. Thereafter

respondent No.5 approached this Court in CRM No.46795-2019 in which he was granted interim anticipatory bail and the matter was referred to the Mediation and Conciliation Centre. With the intervention of the Mediator, the parties reached a compromise and the same was reduced into writing on 09.01.2020. On 17.01.2020, the interim order passed by this Court on 02.11.2019 in CRM No.46795-2019 was made absolute.

It is alleged by the petitioner that after the interim order in favour of respondent No.5 was made absolute, he did not abide by the terms of the compromise and is not permitting the petitioner to remain in the matrimonial home. It has further been alleged that respondent No.5 has given a false undertaking before this Court and got the concession of anticipatory bail.

Learned counsel for the petitioner contended that on 19.06.2020 a complaint has been filed which has not been looked into by the official respondents. Learned counsel would further contend that the petitioner has filed an application being CRM-10051 of 2020 in CRM-M-46795 of 2019 praying therein for cancellation of the anticipatory bail order in view of the fact that the terms of the compromise are not being adhered to by respondent No.5, who had been granted the concession of anticipatory bail on the basis of the settlement arrived at between the parties.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, AAG, Haryana has joined the session through Video Conferencing and accepts notice.

I have heard learned counsel for the parties.

The present writ petition deserves to be dismissed on the sole ground that the same has been filed primarily on the ground that there has been non-adherence by respondents No.5 to the terms of settlement arrived at before the Mediation and Conciliation Centre and on the basis of which the anticipatory bail was granted to him by this Court. A perusal of the complaint dated 19.06.2020 (Annexure P-7) reveals that the complaint is regarding the non-adherence of the terms of the compromise by respondent No.5 as well as giving false evidence to procure the favourable order. The petitioner has already moved CRM-10051 of 2020 for cancellation of the anticipatory bail which is pending for consideration. There is no occasion for this Court to interfere in the present writ petition, even the prayer made in the present petition that there is threat to life and liberty to the petitioner is also not borne out from the narration of facts in the petition. A perusal of the complaint dated 19.06.2020 (Annexure P-7) does not reveal a single line to suggest that any threats have been given to the life and liberty of the petitioner.

In view of the above, I do not find any merit in this present writ petition.

The same is accordingly dismissed.

September 16, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasonable: Yes/No.
Whether reportable : Yes/No.