

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

244

**CRM-M-27300-2019
Date of Decision : 02.03.2020**

Guneet Kaur and others

.....Petitioners

Versus

Union Territory of Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. V.S. Punia, Advocate
for the petitioner
with the petitioner in person.

Mr. Yashwant Singh Rathore,
Addl. Public Prosecutor for U.T. Chandigarh
for respondents No.1 to 5.

Respondent No.6-Balbir Singh in person.

Mr. P.S. Ahluwalia, Advocate
for respondent No.7
with respondent No.7 in person.

Mr. Gagandeep Singh Virk, Advocate for
Mr. Ajaivir Singh, Advocate
for respondents No.8 and 9.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners have filed the present petition for directing respondents No.1 to 5 for protecting their life and liberty from danger at the hands of respondents No.6 to 10 on the averments that petitioner No.1 was married to respondent No.7 on 18.11.2015. Petitioner No.1 refused to be a part of unethical practice carried on by respondent No.7 and his family of carrying out illegal abortions of girl child. Respondent No.7 fraudulently withdrew the amounts mentioned from his account. Respondent No.7 also treated petitioner No.1 with cruelty. Respondent No.7 got criminal case registered against petitioner No.1 in connivance

with police officials of Rajasthan on the allegations of misappropriation of jewellery articles and having illicit relations with Subhendhu Shekher and filed divorce petition. Petitioner No.1 made complaint to SHO, Police Station Sector-34, Chandigarh for registering case against the respondents and for protecting life and liberty of the petitioners but the police did not take any action and pressurized petitioner No.1 to withdraw the complaint and compromise with the respondents.

Notice of the petition was issued to respondents vide order dated 01.07.2019.

No reply has been filed by respondents No.1 to 5 and respondent No.7.

Respondent No.6 has filed reply mentioning the steps taken on the complaint filed by petitioner No.1 and also mentioning that complaint filed by the petitioner is now fixed for preliminary evidence of petitioner No.1.

Learned Counsel for the petitioners has admitted that at the instance of respondent No.7, FIR No.0267 dated 10.09.2018 under Sections 406, 420 and 497 read with Section 34 of the Indian Penal Code, 1860 was registered against the petitioner No.1 at Police Station Atalbandh, District Bharatpur and petitioner No.1 has already approached the Rajasthan High Court for quashing of the said FIR. Complaint has been filed against the petitioners in the Court of Judicial Magistrate First Class, Ludhana and the petitioner has already appeared in the said complaint and filed quashing petition before this Court in which further proceedings before the trial court have been

stayed. Petitioner No.1 has also filed complaint before learned Judicial Magistrate First Class, Chandigarh which is pending for preliminary evidence.

Learned State Counsel has submitted that respondents No.1 to 5 will take appropriate steps for protection of the life and liberty of the petitioners from danger from respondents No.7 to 10 in accordance with law.

Learned Counsel for respondent No.7 has undertaken that there will be no danger to the petitioners from respondent No.7 who will pursue his remedies in accordance with law.

Respondent No.8 and 9 are residing in Rajasthan while respondent No.10 is residing abroad and therefore, the apprehension of danger from respondents No.8 to 10 cannot be said to be reasonably substantial and genuine.

In view of these facts and circumstances of the case, no further action is required to be taken on the present petition which is disposed of as having become infructuous.

However, in case of any apprehension of danger from respondents No.6 to 10, the petitioners may approach respondents No.2 to 5 for protection of their life and liberty who shall be bound to take appropriate action in accordance with law and petitioner No.1 shall also be at liberty to have recourse to appropriate remedies in accordance with law for redressal of her grievances, if any.

02.03.2020

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(ARUN KUMAR TYAGI)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No