

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

CRWP-10557-2020(O&M)

Date of decision : 17.12.2020

Munish Kumar

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Harish Kumar Verma, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for issuance of a direction to respondent Nos.2 and 3 to protect the life and liberty of the petitioner and to provide adequate security as he is apprehending danger to his life at the hands of respondent Nos.4 to 7.

The case set up in the petition is that the petitioner solemnized his marriage with one Rita Kumari on 30.09.2009 as per the Hindu rites and customs. There is no child from the wedlock. The private respondent Nos.4 to 7 are the brothers, mother and sister-in-law of Rita Kumari who are alleged to have threatened the petitioner in a conspiracy with Rita Kumari. Counsel for the petitioner would contend that the petitioner is residing with his wife happily despite the fact that she has not been able to bear a child since 2009 and that respondent Nos.4 to 7

are interfering in his life and threatening him. The petitioner is stated to have submitted a complaint/representation on 02.12.2020 (Annexure P-1) to respondent No.2 praying for protection.

A perusal of the paper book reveals that in the entire petition vague allegations have been levelled against the wife, Rita Kumari. The petitioner has accused his wife of rude and ill-behaviour and all possible allegations have been levelled against her. Despite levelling allegations against his wife, the petitioner, surprisingly, also avers that he and his wife are residing happily together. The wife, Rita Kumari, has not been impleaded as a party in the present petition.

Learned State counsel, on instructions from ASI Swaran Singh, has stated that the wife of the petitioner namely, Rita Kumari, has filed a complaint before the police on 01.12.2020 and the petitioner herein has been called a number of times by the Investigating Officer to join investigation. However, he is not joining the investigation. A copy of the complaint in vernacular has been shared with the VC Coordinator which has been printed and retained on the record. Learned counsel for the State would further point out that as per the said complaint, the wife has alleged beatings and maltreatment by the petitioner.

I have heard learned counsel for the parties.

The present petition is nothing but an absolute abuse of the process of law. The present petitioner, who has been called by the Investigating Officer in relation to a complaint filed by his wife on 01.12.2020, instead of joining the investigation and co-operating with the Investigating Officer, has filed the present petition wherein the allegations are primarily against his wife who has not even been

impleaded as a party. The petitioner has pointed fingers at his wife about her behaviour and attitude but in the same breath has stated that he and his wife are living a happily married life. There is not even a whisper about the complaint filed by his wife with the police on 01.12.2020. Instead of joining the investigation, the petitioner submitted a complaint/representation on 02.12.2020 (Annexure P-1) to respondent No.2 praying for protection. The Court is satisfied that the petitioner is trying to circumvent the process of law by filing the present petition.

In view of the above, the present petition, which is devoid of any merit and is in fact an abuse of process of law, is dismissed.

17.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO