

122.

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

CRM-M-36340-2021

Date of Decision: 06.09.2021

BALJEET KAUR CHEEMA

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. T.P.S. Tung, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. for issuance of a direction to respondents No.3 and 4 not to call the petitioner in the police station without issuance of summons as required under Section 160 or under Section 41-A of Cr.P.C., with a further prayer that the petitioner herein be not harassed or threatened at the hands of respondents No.3 and 4.

Counsel for the petitioner herein would contend that the petitioner-Baljeet Kaur Cheema was initially married to one Narinder Singh and thereafter, divorce took place between them. Said Narinder Singh has solemnized marriage with Sarabjit Kaur i.e. Respondent No.5 herein and now a matrimonial dispute has arisen between both the parties, consequent to which dispute, Sarabjit Kaur is needlessly harassing the petitioner, who

has no role to play in the matrimonial dispute that has arisen between respondent No.5-Sarabjit Kaur and Narinder Singh, who is the ex-husband of Baljeet Kaur Cheema, the petitioner herein. It is submitted that at the instance of said respondent-Sarabjit Kaur, the petitioner is being summoned to the police station without any cogent reason.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab, accepts notice on behalf of respondents No.1 to 4-State.

The limited prayer made in this petition is for adequate notice to be issued to the petitioner under Section 160 or 41-A of Cr.P.C., in case he is required. Section 160 of Cr.P.C. empowers “*any police officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case;*” whereas Section 41A of Cr.P.C. provides “*Notice of appearance before police officer.-- (1) The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.*”

Since as on date there is no case listed against the petitioner, this Court deems it appropriate to dispose of this matter with a direction that in case there is any case registered against the petitioner then,

adequate notice of 15 days be given to him in compliance of Sections 160 and 41-A of the Code of Criminal Procedure.

The petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

06.09.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No