

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRWP No.9801 of 2020
Date of decision:16.09.2021

Jaspreet Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus for protection to life and liberty of the petitioner which is under threat at the hands of private respondent.

In response to the notice issued by this Court to the official respondents, reply by way of an affidavit of Assistant Commissioner of Police, CAW&C-Cell, Ludhiana, has been filed, wherein, it has been submitted as under:-

“Accordingly, the Commissioner of Police, Ludhiana obtained opinion from D.A.(Legal) who opined that the allegations

raised by the petitioner against respondents No.4 and 5 are serious in nature and therefore enquiry may be got conducted from SIT under the supervision of an IPS Officer. Accordingly, the Commissioner of Police, Ludhiana vide Order No.533/PC dated 22.02.2021 constituted a SIT consisting of ADCP, Zone-I and ACP, CAW&C-Cell, Ludhiana. Accordingly, the SIT consisting of Dr. Pragya Jain, IPS (ADCP-1) and the answering deponent (ACP, CAW&C-Cell) conducted a detailed enquiry into the entire matter and both the parties were joined in the enquiry during which it was revealed that earlier the marriage of the petitioner was performed with one Prabhdeep Singh on 29.03.2009 and one daughter namely Ridhampreet Kaur was born on 25.02.2010 but due to some dispute with her husband, the present petitioner came to her parents house in the year 2015 and with the mutual consent, divorce was granted on 02.11.2019. Similarly respondent No.4 was also having dispute with his wife and in the year 2017, the petitioner and respondent No.4 came in contact with each other and they developed relations and started meeting with each other in different hotels and ultimately on 15.04.2019, respondent No.4 performed marriage with the petitioner according to Sikh rites. At that time the divorce petitions of petitioner with her previous husband and that of respondent No.4 with his previous wife, were pending before the Ld.

Courts. The other allegations levelled by the petitioner in her said complaint were also not proved. During the hearing of the above noted application, respondent No.4 and others had caused beatings to the petitioner's brother regarding which FIR No.326 dated 06.09.2020, U/s 323, 341, 506, 34 IPC, P.S.Division No.8, Ludhiana has been registered against respondent No.4 and two others. Similarly at the instance of the present petitioner, FIR No.280 dated 09.11.2020, u/s 341, 323, 354, 506, 148, 149 IPC, P.S.Division No.8, Ludhiana has been registered against respondent No.4 and three others. Therefore the SIT opined that opinion from D.A.(Legal) be obtained whether any cognizable offence is made out or not. Accordingly, the Commissioner of Police, Ludhiana obtained opinion from D.A.(Legal), Ludhiana who opined that no cognizable offence is made out and the present petitioner can move a complaint against respondent No.4 for performing second marriage without taking divorce. Thus, it was revealed that false complaint has been moved by the petitioner. The said enquiry report of the SIT as well as opinion of D.A.(Legal) were finally approved as well by the Commissioner of Police, Ludhiana. Hence, the present petition is liable to be dismissed on this ground alone.”

In view of the above, no orders are called for.

Accordingly, the petition is dismissed.

September 16, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>