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

CRWP-10359-2021

Date of decision : 01.11.2021

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of suitable directions to respondent No.2-Senior Superintendent of Police to protect the life and liberty of the petitioner who is stated to be repeatedly being called by respondent No.3-Deputy Superintendent of Police, Sub Division Nawanshahar, District SBS Nagar.

Learned counsel for the petitioner has submitted that the petitioner has filed an application under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights against respondent No.4 and the said case is pending. It is further submitted that respondent No.4 has filed

the complaint against the petitioner. It is further contended that although, no FIR has yet been registered against the petitioner but he has been called repeatedly by the police officials without following the procedure as enshrined under Section 160 of Cr.P.C.

Notice of motion to respondent Nos.1 and 2 only.

On advance notice, Mr. A.K. Kaundal, DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 and 2 and submits that in the present case, the petitioner is the husband of respondent No.4 and the police is taking action in accordance with law.

Keeping in view the abovesaid facts and circumstances of the present case, moreso the fact that the present petitioner is stated to be not an accused in any FIR and is sought to be summoned on a complaint made by respondent No.4 and as stated in the petition that he has been repeatedly called by the police officials, the present Criminal Writ Petition is disposed of with direction to respondent No.3 to issue notice under Section 160 of Cr.P.C. before summoning the petitioner.

However, in case there is FIR registered against the petitioner, then the present order would not ensue any benefit to the petitioner.

01.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No