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

CRWP-10595-2020

Date of Decision: 22.02.2021

Lovepreet Kaur

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gulshan K. Moudgil, Advocate for
Mr. Vivek K. Thakur, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner Lovepreet Kaur has filed this petition under Article 226 Constitution of India for issuance of direction to official respondents No.1 to 3 to protect her life and liberty, as she is facing threats from her husband (respondent No.4).

As per pleadings, the petitioner was married to Darshan Singh (respondent No.4) in the year 2014 and out of this wedlock, a child, namely, Ekamroop Singh was born, who is presently 3 years old. The petitioner was maltreated by her husband, who used to give her beatings and, therefore, she left his company and started residing with Narinder Singh s/o Jagjit Singh, resident of Village Jama Rai, District Tarn Taran. Even the parents of the petitioner compelled her to reside with her husband. As per averments, the petitioner gave a representation/complaint dated 11.12.2020 (Annexure P-1) to the Senior Superintendent of Police, Tarn Taran, wherein she requested for taking an appropriate legal action against Darshan Singh (respondent No.4), but till date, no action has been taken upon it by respondent No.2.

Learned counsel for the petitioner prays for withdrawal of the petition to file fresh with better particulars on the same cause of action.

Heard the learned counsel.

This Court finds that as per the pleadings itself contained in para 6 of the petition, the petitioner left the company of her husband and started living with Narinder Singh out of her own free will and without any pressure or influence. Notably, the husband of the petitioner has also filed a separate petition bearing No. CRWP-996-2021 under Article 226 Constitution of India for issuance of writ in the nature of habeas corpus, as according to him, his wife (petitioner) is in illegal custody of Narinder Singh and others.

Though the petitioner has expressed her apprehension of danger from her husband (respondent No.4), but the same is not substantiated with any convincing material much less by any complaint regarding cruelty to the police.

It is also evident that the respondent No.4 has adopted his remedies in law, therefore, the stand of the petitioner regarding threats from her husband are apparently baseless. Apart from it, a perusal of the complaint (Annexure P-1) reveals that the petitioner never made any prayer for providing protection to her.

In view of the above, this Court does not find any reason to accept the prayer of the learned counsel for withdrawal of the petition with liberty to file fresh with better particulars, as the petition is not founded on a valid cause of action and the petitioner deserves to be saddled with costs.

Resultantly, the petition is dismissed with costs of ₹10,000/- to be deposited with District Legal Services Authority, Tarn Taran within two

months.

Chief Judicial Magistrate, Tarn Taran shall ensure the recovery and deposit of the costs.

22.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No