

S.No.107

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

CRWP No.10799 of 2021

Date of Decision:17.11.2021

Sukhwinder Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

SURESHWAR THAKUR, J. (ORAL)

1. The present petition has been filed for issuance of a writ in the nature of mandamus hence directing respondents No.2 to 4, to protect the life and liberty of the petitioner from the hands of respondents No.5 to 13, and for a further direction being made to respondents No.5 to 7 to not interfere in the life of the petitioner, at behest of respondents No.8 and 13.

2. The petitioner is married to respondent No.8. However, matrimonial acrimony developed in their marital relations leading to institution of a petition for divorce before the Family Court concerned. As of now, co-respondent No.8 is residing with her parents at her parental home. Both the petitioner and co-respondent No.8 have filed separate complaints, before the police authorities concerned, and both complaints are being enquired into, by the Investigating Officer concerned.

3. However, the learned counsel for the petitioner submits, that the complaint, if any, which has been lodged against him, by his spouse hence arrayed as respondent No.8, before the police station concerned, is resulting in humiliation to him, as the Investigating Officer concerned is repeatedly calling him.

4. Since the copy of the complaint is not on record. Therefore, at this stage, it is not possible to determine whether the complaint is frivolous and/or that it stricto sensu pertains to a grievance which otherwise, can become mitigated upon respondent No.8 rather approaching the Civil Court concerned.

5. Leaving aside the afore, even otherwise, the Investigating Officer concerned cannot repeatedly, merely as a measure, of wreaking humiliation and harassment upon the petitioner, make repeated summons upon him, to appear before him. Therefore, to the above extent, the petition is allowed, and the Investigating Officer is directed to summon the petitioner only, as and when he is imperatively required to be summoned, and, rather only for the relevant purpose. The Investigating Officer concerned is also directed, that in case the averments in the complaint, as, lodged against the petitioner, by his spouse arrayed as co-respondent No.8 hence pertain to the latter claiming civil rights against him, thereupon, he may prefer to take appropriate course in accordance with law.

6. Disposed of.

November 17, 2021
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(SURESHWAR THAKUR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No