

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRWP-386-2021

Decided on :12.07.2022

Nachhattar Kaur and another

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of writ in the nature of mandamus directing the respondents No. 2 to 5 to protect the life and liberty of the petitioner with a further prayer to direct the respondents No. 2 to 5 to provide police help to enter their own residential house.

Learned State counsel has submitted that in the present case, there is a matrimonial dispute as the petitioner No. 1 is the mother-in-law of respondent No. 8 and petitioner No. 2 is the husband of respondent No. 8. It is further submitted that as per the reply, the petitioners, with the intervention of the Sarpanch and Panchayat members, have been inducted in their house and there is no apprehension of breach of peace at the spot. It is also submitted that the petitioners are involved in FIR No. 126 dated 01.10.2020 which has been got registered by the respondent No. 8 and in the said case, the petitioners are on bail. A reference has been made to

paragraph 4 of the reply which is as under:-

“4. That the petitioners during investigation have moved complaint no. 1870-PC-9/20 Dt. 21-11-2020 containing the allegations that after getting bail in the above said FIR No. 126 they went to their house, but private respondents did not let them enter their house and closed the door from inside. This complaint also enquired by SHO, P.S Sadar Kotkapura with the assistance of ASI Hakam Singh and with the intervention of respectable member of Panchayat of V. Hari Nau, petitioners have been inducted in their house and proceedings recorded at DDR. No. 36 Dated: 19-02-2021.

The further probe into the matter disclosed that both the petitioners who are involved in case FIR No. 126 of 2020. In that case Nachhattar Kaur granted interim bail from Hon'ble High Court whereas Arvinder Singh was arrested and granted regular bail from Ld. Court. In their absence, respondent no. 8 along with her parents residing in her matrimonial house at V. Hari Nau. When Arvinder Singh was released from Judicial custody on bail, and came to his house, respondent, no. 8 restrained the petitioners from entering their house but with the intervention of Sarpanch and Panchayat members of V. Hari Nau both the petitioners have been inducted in their house. There was no apprehension that seemed to be the breach of peace at the spot. Grievances of the petitioners have been redressed accordingly. Petitioners have got no cause of action to file the present petition.”

None has appeared on behalf of the petitioners to rebut the said averments.

Keeping in view the above facts and circumstances as well as the stand taken in the reply, moreso, with respect to the petitioners having been permitted to enter into the house and also the fact that the petitioners

are involved in FIR No. 126 dated 01.10.2020 in which they have been granted bail and there being no apprehension of breach of peace, the present petition is dismissed.

However, liberty is granted to the petitioners to file a fresh petition in case any cause survives.

(VIKAS BAHL)
JUDGE

July 12th,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No