

113

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

CRWP-3050-2022

Date of decision : 04.04.2022

Kamlesh Gupta

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arun Sharma, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to protect the life and liberty of the petitioner.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is a 61 year old lady and respondent No.4 has filed the complaint against the petitioner and her son with respect to the dispute that has arisen on account of marriage between said respondent No.4 and son of the petitioner not having been fructified. He has further submitted that no FIR has been registered against the petitioner and the petitioner would be satisfied in case, the official respondents are directed to issue notice under Section 160 of Cr.P.C. in writing to the petitioner before

she is called for the purpose of any enquiry in the complaint given by respondent No.4 with respect to the said aspect.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court and has further submitted that the procedure as prescribed in law would be followed.

Keeping in view the abovesaid facts and circumstances, moreso, the facts that as per the case of the petitioner, the petitioner who is 61 year old lady and is not involved in any other criminal case and the dispute in question has arisen on account of the son of the petitioner not having married respondent No.4, the present Criminal Writ Petition is disposed of with direction to the official respondents to issue written notice under Section 160 of Cr.P.C. in case, the petitioner is required for the purpose of enquiry in the complaint filed by respondent No.4 with respect to the dispute having arisen on account of the son of the petitioner not having married respondent No.4.

It is made clear that in case, there is an FIR registered against the petitioner, then the present order would not come in the way of the police authorities to proceed in accordance with law and the present order would not ensue any benefit to the petitioner.

04.04.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No