

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CWP-10163-2022(O&M)  
Date of decision:23.08.2022

MOHINDER JIT SINGH AND ANOTHER

....Petitioners

**Versus**

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present : Mr. Vishal, Advocate for  
Mr. Vivek Suri, Advocate  
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Achin Gupta, Advocate for respondent No.6.

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**VINOD S. BHARDWAJ. J. (ORAL)**

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents No.1 to 5 not to harass the petitioners on the repeated frivolous complaints submitted by respondent No.6 due to the matrimonial discord between the parties, as it is violative of Article 21 of the Constitution of India, 1950.

Pursuant to issuance of notice of motion, status report by way of affidavit of Lakhbir Singh, PPS, Deputy Superintendent of Police (D), District Faridkot on behalf of respondent Nos. 1 to 5 was filed.

The relevant extract of the said status report read thus:-

*5. That the incumbent enquiry officer had joined the complainant/respondent no. 6 and opposite party*

*Alam Singh and recorded their statement. Both the parties were availed with adequate opportunities to lead their evidence and it has been concluded that the complainant has been married with son of petitioners namely Alam Singh by way of Sikh rites and rituals on 01-11-2020. Said Alam Singh has been working as Pilot in Spices Jet Airlines, Gurgaon. After some time of marriage, relations between husband and wife turned hostile and therefore complainant started living with her mother at Faridkot. In order to prove the dowry articles given in marriage, complainant produced several invoices and bills but they were not connected with the date of marriage and there was a long time gap between marriage and date of invoices whereas some of the bills bear no name. Further the incumbent enquiry officer found some improvements in the two statements of complainant. Whereas husband blamed the respondent no. 6 for her infidelity but from the thorough enquiry complainant could not substantiated her allegations of harassment for demand of dowry with tangible evidence and the complaint purely revealed to be a matter of domestic violence and no criminal action seemed to be warranted to the facts of case and submitted his fact finding report no 146.137-PC SP(H) dated 07-01-2022 to the Sr. Supdt of Police, Faridkot for approval.*

*6. That the Sr. Supdt of Police, Faridkot in pursuance of above mentioned detailed enquiry report, has called for comments from Supdt of Police (Inv.), Faridkot. The incumbent Supdt of Police (I), Faridkot further joined the concerned parties to the proceedings and verbally enquired about the dispute but nothing indicative to the demand of dowry had emerged out and vide his report no. 18-PC Dt. 07-3-2022 found the facts and recommendations given in earlier detailed enquiry report by Supdt of Police (H), Faridkot to be proper and*

*correct and gave his assent to the same. Eventually the detailed enquiry report and subsequent comments got the statutory approval by Sr. Supdt of Police, Faridkot and complaint has been consigned to record room without any punitive action.*

*7. That the office of Chairperson, Punjab State Women Commission, SAS Nagar, Mohali has been apprised by respondent no. 4 vide letter Dated: 19-3-2022 with the fate of complaint received for enquiry.*

*8. That not being satisfied with the detailed enquiry report. respondent no. 6 has again resorted a fresh complaint against her In-laws and moved to the office of respondent no. 3 seeking the enquiry to be transferred to some other senior officer, without disclosing the fact of culmination of her previous complaints. The office of Respondent no. 3 has directed the District Police to address the grievance of respondent no. 6 and forwarded her to the office of respondent no.4 and complaint has been registered as 102-PC-3/22 Dated: 12-4-2022 and deputed answering deponent to hold a deep and comprehensive enquiry to check the veracity of allegations. During the course of enquiry, complainant among her mother Rabinder Kaur Mangat, Hardev Singh son of Arjan Singh, Jagbir Inder Singh son of Gurbachan Singh, Jaswinder Singh son of Gurcharan Singh R/o Faridkot, Rajesh Kumar son of Mulakh Raj R/o Jatinder Chowk, Faridkot, Harinder Kumar son of Mohan Lal R/o Faridkot, Vikash Gupta son of Parmod Kumar Gupta R/o Patiala. Narinder Kumar son of Girdhari Lal R/o Sector-7, Panchkula, Ramesh Kumar son of Dharampal r/o Patiala have been joined in enquiry from complainant side and their statements have been recorded, however none has come present from petitioners or other family members of In laws of complainant and therefore enquiry has not yet concluded.*

*Answering deponent undertakes to comply with the directions of this Hon'ble Court.*

After noticing the submissions as aforesaid, learned State counsel sought time to have further instructions in view of the guidelines dated 01.04.2008 issued by the Director General of Police, Punjab.

An additional status report by way of affidavit of Jatinder Singh, PPS, Deputy Superintendent of Police (D), Faridkot on behalf of respondent Nos. 1 to 5 has been filed in Court. A copy thereof has been furnished to the counsel for the petitioners.

The relevant extract of the said affidavit read thus:-

*'2. That in compliance of the aforesaid order dated 01.06.2022 passed by this Hon'ble Court, it is most respectfully submitted that the answering deponent has called for the record of the case; thoroughly examined the case file and it has been found that at present, no enquiry is pending in the present case either before the Deputy Superintendent of Police (Detective), District Faridkot or any other officer and the petitioners are not harassed in any manner in respect of any pending inquiry forming subject matter of para No.8 of the reply filed by Lakhbir Singh, PPS, Deputy Superintendent of Police (D), District Faridkot as referred in the aforesaid order dated 01.06.2022 passed by this Hon'ble Court.*

*3. That as per record, earlier inquiry into the applications No.447-PC8/21, dated 13.09.2021 and 183-PC 2/21, dated 27.12.2021 moved by the respondent No.6 Noor Amrit Kaur for taking legal action against her husband Alam Singh and her inlaw's family was got conducted through Superintendent of Police (Headquarter) Faridkot, who vide his detailed enquiry Report No.146, 137-PC-Reader SP (Headquarter), Faridkot dated 07.01.2022 did not find any truth in the*

*allegations leveled by respondent No.6 and recommended to file the aforesaid applications. After calling comments from Superintendent of Police (Investigation), Faridkot, who vide his report No.18-PC-Reader/S.P (investigation), Faridkot, dated 07.03.2022 also recommended to file the applications moved by complainant/respondent No.6, the Senior Superintendent of Police. Faridkot vide Letter No.183-PC-2/21, dated 19.03.2022 forwarded the said enquiry report to Chairperson, Punjab State Women Commission, Mohali in reference of the complaint received for enquiry and recommended to file the application moved by respondent No.6.*

*4. That so far as the subsequent enquiry into fresh complaint/application No.102-PC-3/22, dated 12.04.2022 of respondent No.6 as referred in the above said order dated 01.06.2022 passed by this Hon'ble Court is concerned, it is most respectfully submitted that as per record, the respondent No.6 moved the said application before Inspector General of Police, Faridkot Range, Faridkot (respondent No.3) for transfer of enquiry into her previous application bearing No.447-PC-8-21, dated 13.09.2021 from Superintendent of Police (D), Faridkot to some other police officer. Whereas in fact, said enquiry had already been completed at that time vide detailed enquiry report No.146, 137-P.C. Reader,SP(Headquarter), Faridkot, dated 07.01.2022 of Superintendent of Police (Headquarter), Faridkot and even after calling comments from the Superintendent of Police (Investigation), Faridkot vide his report No. 18-PC-Reader/S.P. (Investigation), Faridkot, dated 07.03.2022, the Senior Superintendent of Police, Faridkot vide Letter No.183-PC-2/21 dated 19.03.2022 had already apprised the Chairperson, Punjab State Women Commission, Mohali about the fate of the complaint received for enquiry, i.e. much prior to the*

*subsequent complain/application No 102-PC-3/22, dated 12.04.2022 moved by the respondent No 6 for transfer of the said enquiry, but respondent No.6 willfully concealed this material fact from respondent No.3. On the other hand, taking into count sensitivity of the case and to ensure fair and impartial justice, the respondent No.3 vide his remarks dated 07.04.2022 marked the above said application of respondent No.6 to Deputy Superintendent of Police (D), Faridkot (as no other officer of the rank of Superintendent of Police was available at that time), with the directions that "the applicant is a working woman and because of matrimonial dispute and alleged dowry harassment now living with her mother in Faridkot, want to get the enquiry done by some other GO of Faridkot. In view of above, Sh. Lakhbir Singh, Deputy Superintendent of Police (Detective), Faridkot is directed to enquire into the complaint and submit report within 7 days" and forwarded the said application to the office of the Senior Superintendent of Police, Faridkot (respondent No.4), where fresh complaint was registered bearing No.102-PC-3/22, dated 12.04.2022. However, during enquiry into the said subsequent complaint moved by respondent No.6, the aforesaid material fact came to light that a detailed enquiry into the complaint of respondent No.6 had already been completed well within the knowledge of complainant and there was no requirement of any kind for conducting any subsequent enquiry into the matter in hand. Had the complainant/respondent No.6 brought this material fact to the notice of the respondent No.3 while moving subsequent complaint or had she given any reference in the said complaint that a detailed enquiry into her previous application had already been completed, the respondent No.3 would have definitely not marked the said application to the Deputy Superintendent of Police (Detective), Faridkot for any purpose. Thus, the*

*respondent No.6 has played hide and seek and she managed to get a wrong relief of getting initiated subsequent enquiry by concealing true and material fact that enquiry into her previous complaint had already been completed well within her knowledge.*

*5. That on coming to know about the fact that a detailed enquiry into the previous complaint of respondent No.6 had already been got conducted through two senior police officers i.e. Superintendent of Police (Headquarter), Faridkot and Superintendent of Police (Investigation), Faridkot and as per their respective enquiry reports, the Senior Superintendent of Police, Faridkot vide Letter No.183-PC-2/21 dated 19.03.2022 had already apprised the Chairperson, Punjab State Women Commission, Mohali about the fate of the said complaint received for enquiry with his recommendation to file the complaint moved by the respondent No.6 and further the matter was found to be of domestic violence and as such, in view of this factual position brought on record, the Senior Superintendent of Police, Faridkot vide his Letter No.102-PC-3/22, dated 02.08.2022 came to conclusion that it would not be feasible to conduct any further enquiry in the matter in hand, time and again and recommended to file the subsequent complaint moved by respondent No.6. Accordingly, after minutely scrutinizing whole of the record of the case, on 13.08.2022, respondent No.3 Inspector General of Police, Faridkot Range, Faridkot has filed the subsequent complaint dated 12.04.2022 moved by respondent No.6, in due course.*

A perusal of the aforesaid affidavit shows that the respondent No.6 has been concealing essential facts and submitting complaints which are leading to the petitioners being subjected to unnecessary inquiries.

Learned counsel for respondent No.6, on instructions from respondent No.6-Noor Amrit Kaur, submits that a criminal complaint has already been filed by respondent No.6 which is pending before the Illaqa Magistrate. She further undertakes not to file successive complaints with respect to the incidents that have already been inquired into by the concerned agencies to the Police, without prejudice to her right to launch any proceedings before the Illaqa Magistrate or to the proceedings that have already been instituted for redressal of her grievance.

In view of the aforesaid written statement/status report filed by the State and also the undertaking given by the counsel for respondent No.6 today in the Court, learned counsel for the petitioner does not press the instant petition.

Dismissed as not pressed.

(VINOD S. BHARDWAJ)  
JUDGE

23.08.2022  
Amandeep

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |