

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

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CRWP-6725-2022
Date of Decision: 14.07.2022

KIRANDEEP KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Rajesh Kapila, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Article 226 the Constitution of India for issuing a writ in the nature of Mandamus directing the respondents No.2 to 4 to protect the lives of the petitioner and her minor son at the hands of respondents No.5 to 8 by considering the representation dated 03.06.2022 and 20.06.2022.

Learned counsel for the petitioner submits that the marriage of the petitioner was performed with respondent No.5 Gurmohan Singh on 10.07.2017 as per Sikh rites and rituals and one son namely Agamjot was born out of this wedlock, who is currently 4 years of age. Learned counsel for the petitioner contends that the marriage in question did not work out properly and that respondent No.5-husband of the petitioner had been maltreating the petitioner. She claims to have tolerated the same with a hope that things shall improve, however, the same did not undergo any change. She

further alleged that even when the child was born, the private respondents i.e. her in-laws did not come to the hospital either to see her or her child. The child was delivered after a major surgery and all the expenses for the same were borne by the parents of the petitioner. It is further urged that the behaviour of the in-laws of the petitioner did not undergo any change even after the birth of a male child, rather they started raising unlawful demands of dowry and caused harassment in relation thereto. The respondent No.5-husband of the petitioner used to taunt her that her parents did not give motorcycle to him in the marriage. He used to pressurize her to bring the same from her parental home. Accordingly, under such circumstances, the parents of the petitioner purchased a motorcycle in the year 2019 and gave it to the respondent No.5. The motorcycle is still in the custody of respondent No.5. Despite the same, the demands of respondent No.5 did not come to an end and he used to ask the petitioner to bring money from her parents.

It is argued that on 02.06.2022, when the petitioner was present at her matrimonial house, the respondents gave beatings to her and at about 09.00 A.M., she was turned out of the house. When the petitioner went to the school of her son to take him, she was informed that her husband and mother-in-law have already taken the child alongwith them. A representation is stated to have been submitted on the same day by the petitioner to the SHO at Police Station Guruharsahai to take action against the private respondents. A subsequent reminder is also alleged to have been submitted in this regard, when no action was taken by the police. It is further alleged that on 19.06.2022, a phone call was received by the petitioner from respondent No.5-husband of the petitioner which she did not answer. It is alleged that a

second call was made by the respondent No.5 from the mobile of his maternal uncle i.e. 62839-62332 and he threatened her to withdraw all her complaints and used foul language. Various messages are stated to have been sent by the respondent No.5 to the petitioner levelling false allegations against her for defaming her and the respondent No.5 is also stated to have given threats and blackmailed the petitioner to talk to him. A second representation was again claimed to have been submitted on 20.06.2022 to take action against the private respondents. It is further submitted that her minor child is in illegal custody of the respondents No.5 to 8 and she has an apprehension of harm being caused to him and hence, the present petition has been filed.

I have heard the learned counsel for the petitioner and have gone through the averments contained in the petition alongwith supporting documents appended thereto.

It is undisputed that the marriage between the petitioner and respondent No.5 was solemnized in the year 2017. Purported demand of the motorcycle is stated to have been fulfilled in the year 2019 and the son was born in or around the year 2018. Under the said circumstances, even if the bald allegations are considered at this point in time, the same are more than 3-4 years old. Besides, the dispute is between the husband and wife and apparently various complaints are suggested to have been given by the petitioner for which the purported threat had been extended by the husband. It seems that the present petition has been filed as a tool to unduly pressurize the investigating agency as well as the private respondents rather than taking recourse to the appropriate remedies available to the petitioner as per law.

Such a course which would promote by-passing of the statutory remedies and the procedures available under the law ought not to be ordinarily promoted. The present petition is sans any merit and is not corroborated or supported by any cogent or convincing material as would necessitate an immediate action by this Court under Section 482 of the Cr.P.C. in derogation of the remedies and procedures available as per law.

The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

14.07.2022
rajender

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*