

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

CRWP-7965-2020 (O&M)
Date of decision: 22.02.2022

Anureet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kushagra Mahajan, Advocate for the applicant-petitioner.

Ms. Bhavna Gupta, DAG Punjab.

Ms. Daljit Kaur, Advocate for respondents No. 4 to 7.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-W-177-2022

Prayer in this application filed under Section 482 Cr.P.C. is for restoration of Criminal Writ Petition, which was dismissed for non-prosecution vide order dated 10.12.2021 passed by this Court.

Notice of the application.

Learned State counsel and learned counsel for respondents No. 4 to 7 accept notice and submits that they have no objection to the restoration of the criminal writ petition.

In view of the above, the present application is allowed and the main case is restored to its original number and taken on Board for hearing.

Main case:

Prayer in the present petition is for issuance of a writ in the nature of mandamus directing respondent No.2 to protect the life and liberty

of the petitioner. A further prayer is made to direct respondent No. 3 to ensure that petitioner is not harassed at the hands of respondents No. 4 to 11, besides issuance of directions to bring the FIR No.8 dated 16.01.2020 under Section 498-A IPC registered at Police Station Sirhali, District Tarn Taran to its logical end. Yet further, the petitioner has also prayed that respondent No.2 be directed to consider and decide representation dated 20.01.2020 (Annexure P.2) submitted by the petitioner to respondent No.2.

As per the status report dated 16.03.2021, marriage of the petitioner and respondent No. 4 was solemnised on 18.02.2018; Milkha Singh, father-in-law of the petitioner, disowned the petitioner and her husband and transferred his land measuring 08 *marla* in favour of his daughter-Jagjeet Kaur; thereafter on 05.04.2019 in the presence of respectable persons, an agreement was executed to the effect that the petitioner would reside at village Dhotia with her husband-respondent No. 4 and her parents-in-law would reside at Chandigarh on rent; respondent No. 4 failed to abide by the terms and conditions of the agreement and rather she got the aforesaid FIR registered against her husband and in-laws i.e. respondents No. 4 to 6, wherein they were granted interim bail by the learned Additional Sessions Judge, Tarn Taran, which was later on made absolute. The status report would further reveal that upon an inquiry into the representation dated 20.01.2020 submitted by the petitioner, it was found that both the parties have filed their respective cases in the Courts of SDM, Tarn Taran and CJM, Tarn Taran, and as such due to pendency of the cases, the petitioner was directed to approach the concerned Court. It has further been averred in the status report that there is no threat to the life and liberty of the

petitioner and the petitioner has levelled totally false allegations with a view to taking the police security.

I have heard the learned counsel for the parties.

The averments of the status report could not be countered by the counsel for the petitioner. As a matter of fact, the parties being close family members, are litigating against each other. If the other side has also filed litigation against the petitioner, the same would not attract any danger to the life and liberty of the petitioner, ipso-facto. Still further, as per the status report, the police has conducted an inquiry into the representation submitted by the petitioner and finding that the parties were litigating against each other, the petitioner was directed to approach the Court concerned.

In view of the above, this Court finds no merit in the present petition and the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

22.02.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No