

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-8126-2022

Date of Decision: 09.11.2022

Shweta Gandhi

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.S. Redhu, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Anurag Jain, Advocate for respondent No. 5.

ASHOK KUMAR VERMA, J. (ORAL)

1. Prayer in this petition under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of Mandamus, directing respondents No. 2 to 4 to ensure the protection of life and liberty of the petitioner and her family members at the hands of respondent No. 5 and his companions who had hatched a criminal conspiracy and gave beatings to the petitioner on 11.07.2022, when she came to District Courts at Rohtak to attend the matrimonial case.

2. Status report dated 19.10.2022, filed by way of affidavit of Sh. Vivek Kundu, Deputy Superintendent of Police, District Rohtak, on behalf of respondents No. 1 to 4 is taken on record.

3. Para 5 of the aforesaid status report reads as under:

“5. That this is a case of matrimonial dispute between the

petitioner and respondent No. 5 Rahul. Petitioner Shweta Gandhi is living in the house of her husband owned by her mother-in-law Geeta as per order of the Court. On 11.07.2022 the matrimonial case was fixed before the Hon'ble Family Court of Sh. Rajesh Gupta, Addl. Sessions Judge, Rohtak. Before attending the proceeding of the court, parties were present outside the court, then petitioner started beating to her husband and his counsel Sh. Raghav Batra, she had given the threaten to both persons. Naib Court present there had freed Rahul Lakhina and his counsel Sh. Raghav Batra from the clutched of petitioner Shweta Gandhi. Thereafter, Shweta Gandhi petitioner fled away from the spot. Rahul Lakhina had got medicolegally examined at Civil Hospital, Rohtak. On the same day, Raghav Batra, Advocate had moved an application against petitioner Shweta Gandhi. All the incident has been captured in the CCT Cameras, Pen Drive relates to CCTV Camera is Annexure R-1. On the same day, petitioner Shweta also moved a complaint against her husband and his counsel Sh. Raghav Batra regarding passing the obscene comments against the petitioner. The matter was found suspected and relate to court premises where occurrence took place between the petitioner and respondent No. 5. The matter was thoroughly investigated by LASI Bindu Bala, on the complaint of petitioner. CCTV footage also collected from the court premises to reach the actual position and it has been found that petitioner Shweta Gandhi had given slap to her husband Rahul Lakhina and quarreled with his counsel. So, petitioner was found on her own fault. That is the main reason, complaint of petitioner was filed. All this incident has been mentioned in the Daily Diary Register by the police station Arya Nagar, Rohtak. On the other hand, the complaint of Raghav Batra, Advocate has been found

genuine and FIR No. 279 dated 12.07.2022 under Sections 323, 506 IPC, P.S. Arya Nagar, Rohtak has been registered against the petitioner. Site plan has been prepared by the Investigating Officer. Statement of EASI Virender Kumar, EHC Deepak, Naib Court and statement of Rahul Lakhina have been recorded by the Investigating Officer. Petitioner was joined the investigation on 28.08.2022. Petitioner wants to convert her desire, which is against the law.”

4. In view of the averments made in para 5 of the status report dated 19.10.2022, there is no merit in the instant petition and continuing with the same shall be nothing but an abuse of the process of law.
5. Dismissed

November 09, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No