

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

205

CRWP-2117-2020

Decided on : 03.03.2023

Manisha Sharma and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

Mr. Jasdeep Singh, Advocate
for respondent No.4.

SANJAY VASHISTH, J. (Oral)

Perusal of the file reveals that except of appearance on the first date of hearing i.e. on 27.02.2020, none has appeared before this Court on behalf of petitioners.

Noticing said aspect on 28.02.2023, following order was passed:-

“Instant petition has been filed by petitioners Manisha Sharma, aged 32 years and Mathieu Jham, aged 4 years, seeking direction to respondents No.2 & 3 to protect the lives and liberty of the petitioners and to take necessary legal action against the private respondent No.4-Varun Jham, who is husband of petitioner No.1.

After issuing notice of motion vide order dated 27.02.2020, no one appeared on 21.09.2021 and also on 20.12.2021. State has already filed status report dated 15.01.2022 by way of affidavit of Harjinder Singh PPS, Deputy Superintendent of Police, Sub Division Zirakpur, District SAS Nagar on behalf of respondent No1 to 3. Para No.s 4 to 6 of the

status report says as under:

“4. That it is respectfully submitted that the said complaint had been entrusted for enquiry to ASI Bhinder Singh, who summoned both the parties to join the enquiry. In pursuance thereof, the respondent No. 4 came present to join the enquiry and got recorded his statement to the effect that he got married to the petitioner No. 1 on 29/11/2012 in accordance with Hindu rites and ceremonies wherein no demand of any kind was raised. After the marriage, both of them stated Delhi, however, he never gave any beatings to the petitioner No. 1. Out of the said wedlock, one son Mathiue Jham (petitioner No. 2) was born, who is aged about 5 years. He did not have any talk with the petitioner No. 1 from the last one year and she had left his house out of her own free will and she is having relations with the son of Aman Kapoor, with whom she is residing at Zirakpur and his son is also in her custody and she has not been allowing him to talk to his son from the last 10 months. It had been stated that he has never visited the petitioner No. 1 at Zirakpur and has never threatened her and he is innocent and the petitioner No. 1 is levelling false allegations against him in order to harass him. It is relevant to mention here that the summons could not be served upon the petitioner No. 1 as she was not found to be residing at the stated address (the address mentioned in the complaint as well as memo of parties of the present petition).

5. That it is respectfully submitted that the enquiry officer made strenuous efforts to trace out the whereabouts and contact details of the petitioner No. 1, however, the contact details and whereabouts of the petitioner No. 1 could not be ascertained. It is submitted that due to non-availability of any other address or contact details of the petitioner No. 1, she could not be joined in the enquiry. It is relevant to mention here that the petitioner No. 1 has never tied to contact the enquiry officer or the investigating agency after submitting the complaint (Annexure P-3) before the SHO, PS Zirakpur.

6. That it is respectfully submitted that the enquiry into the aforesaid complaint of the petitioner (Annexure P-3) is underway awaiting the petitioner No. 1 to join the enquiry.”

Since, there is no representation on behalf of petitioners, in the interest of justice, adjourned to 03.03.2023.

Registry is directed to inform the counsel for the petitioners about the next date fixed.”

As per office report, in compliance to the previous order dated 28.02.2023, information to the counsel for the petitioners has also been sent through e-mail.

Today again, position is not indifferent.

Dismissed for non-prosecution.

(SANJAY VASHISTH)
JUDGE

March 03, 2023

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>