

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

209

CRWP-3061-2022

Decided on : 17.01.2023

Raja Kumar

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms Malkit Kaur, Advocate for
Mr. Vaibhav Sehgal, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. J. S. Dadwal, Advocate
for respondents No.5, 6 and 13.

SANJAY VASHISTH, J. (Oral)

Petitioner-Raja Kumar, who is husband of Reshma Rani-respondent No.13, filed present petition for seeking protection from the private respondents No.5 to 12, who allegedly attacked the petitioner and compelled to withdraw representation dated 04.03.2022 (Annexure P-2).

In the said representation allegations have been levelled against respondent No.13 that despite being married to the petitioner Reshma Rani (Respondent No.13) eloped with one Sukhdev Ram on account of having extra-marital relation with him.

On 04.04.2022, following order was passed.

“Petitioner and respondent No. 13 solemnized marriage about 8 years ago. They have one male child who is about 4 ½ years of age.

It is the case of petitioner that his wife was enticed

by respondent No. 5 and presently she is residing in his (respondent No. 5) company. The petitioner had moved a complaint regarding this. It is also the case of petitioner that respondents No. 5 to 12 came to the house of petitioner and they also forcibly tried to enter his house but were not successful. They left after threatening the petitioner not to pursue complaint against respondent No. 5. It is also the case of petitioner that when petitioner had gone to village Sayal Kalan, Tehsil Samana, District Patiala (where respondent No. 5 is residing), he found that the minor child Rehan Kumar alias Prince begging alms in the street. The petitioner picked up his child but he was forcibly snatched by respondent No. 5. He apprehends that his child is being forced into beggary.

Notice of motion to respondents No. 2 to 5 only for 24.5.2022.”

During the course of hearing, learned State counsel, while referring to paragraph No.4 of the reply filed on behalf of respondents No.1 and 2 submits that considering the allegations levelled by the petitioner, her complaint has been enquired and no substance is found in the same.

Paragraph No.4 of the reply says as under:-

“4. That, however, when this Hon'ble Court got issued the Notice in the present petition, then the copy of the alleged Representation attached with the Notice was received and in the interest of justice and to know about the veracity and truthfulness of the allegations levelled by the

petitioner, ASI Harjit Singh of P.S. Meharban, Ludhiana was deputed to know the facts during enquiry the said ASI contacted the petitioner and his wife i.e. respondent no.13 and their statements were recorded on 21.05.2022 wherein the petitioner had stated that he had not moved any complaint to the police station or to the police officer whereas is the respondent no.13 the poor the petitioner) stated that she and the petitioner are husband and wife and they have one son but there remains quarrel between them as a result of which she had gone from the house of the petitioner on 04.03.2022 with her son and now she is residing in the house of her parents and further stated that the petitioner used to beat her under the influence of intoxicants and the petitioner has sold her dowry articles and she had also filed a case for maintenance before the Family Courts, Amloh, Fatehgarh.

The enquiry regarding the same was conducted by SHO, P.S. Meharban, Ludhiana, who scrutinized the above said statement of the petitioner and his wife as well as Joint Statement of Ramesh Singh, Gajjan Ram and Sukhwinder Kaur, who jointly stated that the allegations levelled by the petitioner in his complaint are totally false. It was then concluded that no action is required to be taken by the police with respect to the allegations as levelled by the petitioner in the Representation i.e. Annexure P-3 and that the dispute of the petitioner is a matrimonial dispute and hence did not warranted any action by the police. This

report was then duly examined and verified by ACP-East and then by the Commissioner of Police, Ludhiana.

It is, therefore, respectfully prayed that the present petition filed by the petitioner, may kindly be dismissed, in the interest of justice.”

However, counsel for the petitioner refers to pleadings raised in paragraph No.2 of the present petition, wherein, it has been contended that “*The petitioner along with his relative went to village Sayal Kalan on 04.03.2022 at about 9 AM and found that the minor child namely Rehan Kumar @ Prince is begging alms in the street and on seeing the miserable situation of his minor son, the petitioner immediately ran towards him and picked up the minor child in his lap. When the petitioner picked up the minor child in the lap, respondent No.5 immediately came as if he was watching the minor child from a safe distance and threatened the petitioner to leave the minor child and in case the petitioner does not leave the minor child, he will be brutally assaulted. The respondent No.5 immediately called the respondent No.13, who also told the petitioner to leave the place and also told that she has every right to put the minor child to beggary. The petitioner asked respondent No.5 and 13 to not ruin the future of the minor child and to permit the minor child to go with the petitioner, but respondent No.5 started behaving in an aggressive manner and he was also accompanied with 3-4 goonda type persons and when the petitioner persisted with genuine request of taking the minor child with him, respondent No.5 pushed the petitioner with extreme force and when the petitioner fell down, the accomplices and companions of respondent No.5 gave kick blows to the petitioner. The petitioner under such pressure had to*

immediately leave village Sayal Kalan, Tehsil Samana, District Patiala and petitioner moved a complaint to respondent No.3 by appearing in the office of respondent No.2 along with his relative. Certificate of Aadhar enrollment update of the minor child namely Rehan Kumar @ Prince is annexed herewith as Annexure P1. Copy of the representation dated 04.03.2022 is annexed herewith as Annexure P-2.”.

In view of the allegations of the petitioner, it will be boundened duty of respondent No.2 – Commissioner of Police, Ludhiana, to ensure that child namely ‘Rehan Kumar @ Prince’ is not forced by anyone for begging in the streets.

However, in view of the stand taken by the official respondents in their reply, present petition stands disposed of, at this stage.

(SANJAY VASHISTH)
JUDGE

January 17, 2023

J.Ram

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