

CRWP-3657-2023

- 1 -

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

218

CRWP-3657-2023

Decided on : 24.05.2023

Kanti Om Parkash Arora and another

... Petitioner(s)

Versus

State of UT Chandigarh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Nikunj Dhawan, Advocate
for the petitioner(s).

Mr. Ankur Bali, Addl. PP, UT Chandigarh
assisted by ASI Naresh Kumar.

SANJAY VASHISTH, J. (Oral)

1. At the outset, Mr. Mukesh Kumar Bhatnagar, Advocate, puts in appearance on behalf of respondent No.4, and files his *Vakalatnama*, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

2. In the present protection petition, on 18.04.2023, after hearing counsel for the petitioners, following order was passed:-

“1. By way of present petition filed under Article 226 of the Constitution of India, petitioners are seeking directions to official respondents to protect the lives and liberty of the petitioners at the hands of private respondent No.4.

2. Counsel for the petitioners submits that respondent No.4 was earlier married to petitioner No.1, but by way of decree of divorce dated 15.12.1984, both of them got divorced from each other. Said decree of divorce was passed by Judge, City Civil Court, Bombay in MJ Petition No.531 of 1984 (Annexure P-1).

3. Counsel for the petitioners further submits that petitioner No.2 – Kanchana Arora, performed her first marriage

with petitioner No.1 in the year 1993, and in support of the said fact, marriage certificate dated 12.04.1993 (Annexure P-2), issued by the Registrar of Marriages, Bombay, Bandra, has been appended with the petition. Counsel further submits that respondent No.4 – Sudha Vinod Kapoor, having no connection since 1984, and now suddenly she started disturbing the lives of the petitioner and forcibly trying to stay in the house of petitioner No.1. Getting perturbed, petitioner No.1, has already submitted one representation dated 14.04.2023 (Annexure P-3), to the SHO, Sector 19, Chandigarh (respondent No.3), but no remedial steps have been taken thereon, so far.

4. Notice of motion for 24.05.2023.

5. At this stage, Mr. Ankur Bali, Addl. PP, UT Chandigarh, appears and accepts notice on behalf of respondents No.1 to 3 (UT Chandigarh).

6. Let requisite copies of the complete paper book be supplied to Ld. Addl. PP, UT Chandigarh during course of the day.

7. Respondent No.4 would be informed in writing by respondent No.3 – SHO, PS 19, Chandigarh, about the next date of hearing fixed before this Court.

8. Ld. Addl. PP, UT Chandigarh, also seeks sometime to file status report in the matter.

9. May do so, on or before the next date of hearing with copy in advance to the opposite counsel.

10. Meanwhile, respondent No.3 – SHO, P.S., Sector 19, Chandigarh, would examine representation dated 14.04.2023 (Annexure P-3), and if any substance of truth is found therein, he would ensure that there is no undue interference in the lives of the petitioners, till the next date of hearing.”

3. Ld. Addl. PP, UT Chandigarh, assisted by ASI Naresh Kumar, has produced a photocopy of the statement of respondent No.4 i.e. Sudha Vinod Kapoor, which has been got recorded by her on 02.05.2023, before the police that neither she would harass to petitioner No.1 i.e. Kanti Om Parkash Arora, nor would go to his house.

He produced another photocopy of the statement of petitioner

CRWP-3657-2023

- 3 -

No.1 – Kanti Om Parkash Arora, recorded on 02.05.2023, wherein, it is stated that both of them (petitioner No.1 and respondent No.4) have set together and have compromised the issue. Respondent No.4 has assured of not raising any issue of fight with him, and therefore, petitioner No.1 stated in his statement recorded before the police that he would not pursue the petition already filed, before the High Court.

4. In support of aforesaid contentions, Ld. Addl. PP, UT Chandigarh, has filed the photocopies of aforesaid statements dated 02.05.2023 in Hindi vernacular form, in Court today. Same are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

5. The said submission of Ld. Addl. PP, UT Chandigarh and the statements given by respondent No.4 and the petitioner before the police, the issue of compromise subsequent to the filing of present petition, has been acknowledged by the counsel appearing on behalf of respondent No.4.

6. In view of development having been taken place after filing of present petition, and as recorded herein-above, counsel for the petitioners submits that he does not want to pursue with present petition, and seeks withdrawal of the same.

7. Disposed of being withdrawn.

(SANJAY VASHISTH)
JUDGE

May 24, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No