

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRWP-5171-2020 (O&M)
Decided on : 25.04.2023

GURJEET KAUR AND OTHERS

. . . Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajnish K. Gupta, Advocate for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. M. S. Longia, Advocate for respondents No. 5 and 6.

SANJAY VASHISTH, J. (Oral)

1. Order dated 27.02.2023 passed by this Court says as under:

“Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to respondents No. 1 to 4, to provide protection of life and liberty of the petitioner against undue harassment and mental agony caused by making of false complaint by respondents No. 5 and 6 and repeatedly calling of the petitioners in the police station without any advance notice.

Noticing the factual aspects, on 31.07.2020 following order was passed by the then co-ordinate Bench of this Court:-

“The case has been taken up for hearing through video conferencing.

The petitioners have filed the present petition for issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to protect the life and liberty of the petitioners against undue harassment and mental agony caused by making of false complaints by respondents No.5 and 6 and repeatedly calling of the petitioners in the police station without any advance notice.

Learned State Counsel, who appeared for respondents No.1 to 4 pursuant to supply of advance copy, sought time to get instructions which request was allowed by the Coordinate Bench although formal order regarding issuance of notice to the respondents was not passed.

Notice of motion.

Mr. Manpreet Singh Longia, Advocate has appeared and accepted notice on behalf of respondents No.5 and 6. Learned State Counsel has submitted that inquiry is being conducted by Dy.S.P., Kharar into the complaints made by petitioners No.1 and 3 as well as respondent No.5.

Learned Counsel for respondents No.5 and 6 has sent copies of the complaints made by respondent No.5 through e-mail print out of which is taken on record.

In the present case, there is a dispute between the parties regarding residential house which according to petitioners No.1 and 3 has been bequeathed by way of Will executed by their mother in their favour whereas respondent No.5 has claimed that the Will is forged and she along with her son inherited share in the house which was also in their occupation and petitioners No.1 and 3 have stolen her household articles.

In view of the facts and circumstances of the case, I consider it appropriate that the matter be referred to Mediation and Conciliation Center of this Court for exploring the possibility of amicable settlement between the parties.

Learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.5 and 6 have no objection if the matter is referred to Medication and Conciliation Center of this Court. Accordingly, the parties are directed to appear in the Mediation and Conciliation Center of this Court on 13.08.2020 for mediation in person or through video conferencing as may be considered appropriate and notified to them by the concerned officer incharge of the Mediation and Conciliation Center/Mediator as the case may be.

Case is adjourned to 16.09.2020 for awaiting the report from the Medication and Conciliation Center

of this Court.

In the meanwhile, the inquires which are being conducted on the complaints made by petitioners No.1 and 3 and respondent No.5 by the Dy. S.P., Kharar shall remain in abeyance. ”

Thereafter, proceedings before the Mediation and Conciliation Centre of this Court failed and thus, matters is again listed before this Court.

Learned counsel for respondents No. 5 and 6 points out that question of Will as noticed by this Court in its order dated 31.07.2020 is also pending in CS/542/2020 before the Court of Civil Judge (Senior Division), Kharar and petitioners have failed to effect service of notice in that suit and thus, have filed present petition before this Court just to pressurize the private respondents.

Today, short reply dated 13.09.2022 by way of an affidavit of Rupinderdeep Kaur Sohi, PPS, Deputy Superintendent of Police, Sub Division Kharar-I, District SAS Nagar has been filed by learned State counsel on behalf of respondents No. 1 to 4. Same is taken on record. Registry is directed to tag the same at appropriate place. Copy of the same has already been supplied to counsel opposite.

Relevant paragraphs No. 4 and 5 of the said status report says as under:

“4. *That it is respectfully submitted that thereafter, complaint bearing No. 3234/S/SSP dated 10/07/2020 was received from Gurpreet Kaur in the office of SSP, District SAS Nagar for taking action against her sister-in-law's Gurmeet Kaur and Jaspal Kaur for breaking her locks and putting their locks and trying to take illegal possession/custody of her istridhan and other articles lying in her matrimonial house after the death of her husband on 06/01/2020. The said representation had*

been marked by the then SSP, District SAS Nagar to the answering respondent for verification and report.

5. *That it is respectfully submitted that while the enquiry into the aforesaid representations was underway with the answering respondent, the petitioners approached this Hon'ble Court by way of filing the present petition, which came up for hearing before this Hon'ble Court on 31/07/2020, wherein this Hon'ble Court while referring the matter to the mediation and conciliation Centre of this Hon'ble Court, had directed to keep the enquiries being conducted on the complaints of petitioners No. 1 and 3 and respondent No. 5 by the deponent, in abeyance."*

Learned State counsel suggests that complaints pending before the State could not be taken to logical conclusion because of order passed by this Court on 31.07.2020, whereby enquires were ordered to remain in abeyance as petitioners have prayed for issuance of directions against the official respondents for not taking cognizance of the frivolous complaints and not to harass the petitioners by calling them again and again at Police Station.

Learned counsel appearing on behalf of the petitioners submits that arguing counsel is not well, therefore, he seeks short adjournment.

Adjourned to 25.04.2023.

On next date of hearing, learned State counsel would also get necessary instructions as to any criminal case is made out on the said compliant(s) or not. However, said aspects would not be examined by harassing or calling of the petitioners again and again at Police Station, without following the due process of law.

For examining the complaint(s), restrain order dated 31.07.2020 stands vacated, as the mediation proceedings have also failed."

2. Today, Mr. Anmol Singh Sandhu, AAG, Punjab, states that two complaints, which were moved at the instance of petitioner No. 3- Jaspal Kaur and respondent No. 5-Gurpreet Kaur have been enquired and thereafter, same were consigned. Thus, as on date, there is no complaint pending before the police, moved by either side.

3. At the very outset, learned counsel for the petitioners and respondents No. 5 and 6 after getting necessary instructions from their respective clients, make a joint statements that civil suit in regard to genuineness of *Will*, which is pending before the Civil Court, final decision of the same would be accepted by them. However, joint statement is also made to the effect that petitioners at one side and private respondents on the other side, would never move any frivolous complaint(s) to the police for the purpose of creating unnecessary harassment to each other .

4. In view of the stand taken by both the parties, this Court does not find any issue now left pending for consideration, and thus, petition stands disposed of.

5. However, it is made clear that in case petitioners or the private respondents move any complaint(s) to the police, there should not be unnecessary harassment either to the petitioners' side or the private respondents' side by calling them to the police station unnecessarily.

6. With the aforesaid observations, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

25.04.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No