

CRWP-8175-2021 and connected

Neutral Citation No.: **2023:PHHC:103083**

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8175-2021 and**CRWP-8645-2021**

Reserved on:24.07.2023

Date of Decision: 09.08.2023

Neelam Blaggan

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Sarita, Advocate and
Ms. Harveen Kaur, Advocate
Legal aid counsel for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Sandeep Gahlawat, Advocate
for respondent No.5 in CRWP-8175-2021 and
for respondent No.6 in CRWP-8645-2021.

Mr. Parwinder Singh, Advocate
for Naveen Blaggan (alleged detainee).

ANOOP CHITKARA, J.

1. Prayer in CRWP-8175-2021 was to issue a writ in the nature of habeas corpus to release the detainee namely Navin Blaggan from the custody of respondent No.5 Ekta Blaggan, wife of detainee and respondents No.6 & 7-family members of respondent No.5.

2. Prayer in CRWP-8645-2021 is to issue a writ in the nature of mandamus directing respondents No.2 & 3 to protect life and liberty of her son Navin Blaggan and grandson, who are residing in the house and rather facing threats from respondents No.6 to 10.

3. For the sake of brevity, facts have been from CRWP-8175-2021. Pursuant to the order passed by this Court, warrant officer visited the spot and found no restraint, however found that the dispute is of matrimonial nature. This Court after perusing the all record viz-a-viz report of warrant officer, affidavit of the concerned DySP and after hearing respondent No.5, found these petitions nothing but sheer misuse of process of law to oust Ekta Blaggan from the matrimonial home. Upon acknowledging this finding the petitioner wanted to withdraw the petition. While the Court granted permission for

withdrawal, the matter remain unreserved and was consequently referred to mediation

aiming to facilitate the resolution of the dispute between respondent No.5 and her spouse. Then petitioner proceed to withdraw the petition. Vide order dated 16.09.2021, passed by the Co-ordinate Bench of this Court the matter was referred to mediation qua the dispute of respondent No.5 and her husband.

4. Since, none was appearing on behalf of the petitioner in both the petitions and vide order dated 20.07.2023, this Court appointed legal aid counsel on behalf of the petitioner(s).

5. Counsel appearing on behalf of the petitioners submits that there is neither threat nor there is any restriction on the son of the petitioner and they have already withdrawn these petitions as such the matter is required to be disposed of.

6. Counsel appearing for the parties submit that there is no chance of amicable settlement as after the partition of the house, respondent No.5 and her husband have started living separately in the same house.

7. Counsel for the petitioner and the alleged detainee submits that amount of cost has already been paid subject to challenge, the same is under challenge before the Hon'ble Supreme Court. He further submits that the order passed is beyond the jurisdiction of this Hon'ble Court as respondent No.5 has to resort to Section 125 CrPC for maintenance, however this Court directed the petitioner(s) to pay maintenance to their daughter-in-law.

8. Counsel appearing for the husband submits that he was not even heard during the passing of such order.

9. Counsel appearing for respondent No.7 submits that petitioner and her husband, son (husband of respondent No.5), are not complying with the order of maintenance.

10. Since the petition has already been withdrawn as such the same is disposed and no order is required to pass qua order dated 16.09.2021, since the same is under challenge. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

09.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.