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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRWP-9724-2023 (O&M)****Date of decision: 03.10.2023**

Navneet Sharma and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. PrateekSodhi, Advocate for petitioners.

Mr. DhruvDayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petition herein, under Article 226 of Constitution of India seeking issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners by providing adequate police protection and further not to let respondents No.4 to 9 to cause any harm to them.

2. The pleaded case is that the marriage of petitioner No.1 was solemnized with Ms. Neha on 19th November 2019. Out of this wedlock, one female child was born. After some time, due to temperamental differences, Neha left the matrimonial house on 2nd November 2022. The minor child is residing with petitioner No.1. Petitioner No.1 even preferred a petition under Section 9 of the Hindu Marriage Act, 1955, seeking the restitution of conjugal rights. As a counterblast to said petition, Neha registered an FIR No. 64 dated 19th July 2023 against the petitioner under Sections 406 and 498-A IPC at the Women's Police Station, Police Commissionerate, Amritsar. The petitioners have since been granted the concession of anticipatory bail in the said FIR via an order dated 29th August 2023 by the learned Additional District Judge, Amritsar. On 28th June 2023, when the petitioners went to the police station as they had been called, the private respondents attacked the petitioners. The respondents caused various injuries to the petitioners. The petitioners duly informed the police

the concerned doctor regarding the medical examination of the petitioners (Annexure P-2). A perusal of the MLR would reveal that, due to the aforementioned attack, the petitioners suffered various injuries, and in this regard, petitioner No.2 submitted a representation to the respondent authorities (Annexure P-5), but to no avail.

2.1 The respondents on the other hand are pressuring the petitioners to compromise the dispute and withdraw their complaint. To put further pressure the petitioners, the respondent authorities have registered an FIR against them. Respondent No.7 is a Head Constable in the Punjab Police, and it is at his behest that, rather than investigating the grievance of the petitioners, they are being subjected to harassment by registering a false FIR. Hence, this instant petition.

3. Notice of motion.

4. The learned State counsel appears upon the service of advance copy of the petition and accepts notice on behalf of the State of Punjab. He opposes the petition, arguing that the law will take its own course.

5. The dispute between parties seems to stem out of matrimonial differences. Be that as it may, in my opinion, the petitioners ought to have availed other available legal remedies for the redressal of their grievance before directly approaching this Court. Ordinarily, in the case of a grievance arising out of an unfair or improper investigation of an FIR, the aggrieved person can seek recourse by approaching a police officer superior in rank, as per Section 36 of the Cr.P.C. Even thereafter, if the grievance remains unmitigated, one can then take judicial recourse by approaching a Magistrate of competent jurisdiction under Section 156(3) of the Cr.P.C., who can order an investigation and submission of a report by the police. Not only that, an aggrieved party can choose to file a criminal complaint under Section 200 of the Cr.P.C., if so advised. Reference may be had to Apex Court judgment in **Sakiri Vasu versus State of U.P and others¹**.

6. In the premise, instant petition is dismissed. Petitioners are, however, at liberty to approach the appropriate forum for redressal of their grievance, as aforesaid.
7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

03.10.2023
vandana

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