

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

210

CRWP-10519-2022

Decided on : 10.02.2023

Partish Kalia

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sukhbir Maandi, Advocate
for the petitioner(s).

Mr. Vinay Kumar Gupta, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Order dated 09.02.2023, says as under:-

“Present petition has been filed under Article 226 of the Constitution of India, is inter alia seeking directions to the respondent-State to protect the life and liberty of the petitioner and his family members at the hands of official respondents No.4 & 5, who have illegally detained, tortured, harassed and misbehaved with the petitioner and his family members at the instance of respondents No.6 & 7.

It has been pleaded in the petition that earlier petitioner and respondent No.6 solemnized marriage on 27.10.2014. Thereafter, both of them sought protection from the Court of District & Sessions Judge, Hoshiarpur, and were granted the protection by the Court of Ld. District & Sessions Judge, Hoshiarpur, vide order dated 01.11.2014.

It has been further pleaded in the petition that on account of temperamental differences between petitioner and respondent No.6, they started living separately, and one agreement/panchayati talaknama/panchayati divorce dated 11.12.2020, was also executed. Subsequently, respondent No.6 filed a divorce petition bearing No.HMA 201/2021, u/s 13 of the

Hindu Marriage Act, wherein, ex-parte decree of divorce was granted by the Court of Ld. District & Sessions Judge, Gurdaspur. After said divorce, respondent No.6 performed marriage with respondent No.7. In this regard, relevant para Nos. 2, 3, 4 & 5 of the present petition says as under:-

“2. That the brief facts of the case are that the petitioner and respondent No. 6 solemnized marriage on 27.10.2014 according to Sikh Rites at Singh Sabha Gurudwara Bajwara, District Hoshiarpur. Both the petitioner and respondent No. 6 performed their marriage with their own free will, consent and without any force or coercion. It is important to mention here that the respondent No. 6 solemnized with the petitioner against the wishes of her parents and the family of the respondent No. 6 were giving continuously threat to the petitioner and respondent No. 6 to kill them in case they fell into their hands. Thereafter, the petitioner and respondent No. 6 approached before the Id. District & Sessions Judge, Hoshiarpur by way of filing petition for protection of life and liberty and the same was allowed vide order dated 01.11.2014 and the protection was granted with respect to the area of District Hoshiarpur. Copy of the Order dated 01.11.2014 passed by Id. District & Sessions Judge, Hoshiarpur is annexed as Annex P-1.

3. That after few years of marriage, due to temperamental differences, the petitioner and respondent No. 6 started living separately and on 11.12.2020, the petitioner and respondent No. 6 entered into an agreement/Panchayati Talaaknama in the presence of respectable persons and the family members of the respondent No. 6 and as per the terms of the Panchayati Divorce, both the petitioner and respondent No. 6 decided to withdraw all the cases and as per the condition No. 4 of the Panchayati Divorce, the respondent No. 6 does not claim on the property of the petitioner in future and decided to pursue the petition u/s 13-B of Hindu Marriage Act before the Competent Court of law. Copy of the Panchayati Divorce dated 11.12.2020 is annexed as Annexure P-2.

4. That it is worthwhile to mention here that the respondent No. 6 filed the petition bearing No. HMA 201/2021, u/s 13 of Hindu Marriage Act before the Id. District & Sessions Judge, Gurdaspur and the Id. Court granted ex-parte decree of Divorce to the respondent No. 6 vide Order dated 21.05.2022.

5. That thereafter, the respondent No. 6 solemnized marriage with the respondent No. 7 and started living with respondent No. 7. It is pertinent to mention here that the respondent No. 6 with ulterior motive and in order to harass the petitioner, filed a complaint before the SSP Gurdaspur on 21.09.2022 alleging therein to recover the articles which is in possession of the petitioner.”

Status report dated 27.01.2023, filed on behalf of respondents No.1 to 3, by way of an affidavit of Balbir Singh, PPS, DSP, Sub-Division Dasuya, District Hoshiarpur, is already on record. Para Nos. 3 & 5 of the said status report says as under:-

“3. That it is submitted that afterwards the SHO, P.S. Talwara got conducted inquiry of the above said application from ASI Harjit Singh. On this, ASI Harjit Singh reached the house of the petitioner Partish Kalia and conducted inquiry there. During the inquiry petitioner-Partish Kalia son of Kamal Kalia R/o Purana Talwara got recorded his statement that he is doing private marketing business. He married to Manjot Kaur daughter of Jatinder Singh R/o Talwara on 27-10-2014 and this marriage was love marriage. Their relation were not cordial and as such they got divorce on 21.05.2022. Thereafter, Manjot Kaur married to Karamjit Singh son of Kulwinder Singh R/o Bahadur Naushehra. Manjot Kaur submitted an application to SSP, Gurdaspur for taking his dowry articles back. Regarding this they were called by the Police of P.S. Purana Shala, District Gurdaspur. Where Manjot Kaur and her husband Karamjit Singh misbehaved with him and her parents and inquiry officers ASI Surinder Singh of P.S. Purana Shala, Distt. Gurdaspur also harassed him without any reason in the Police station and pressurizing him to compromise with Manjot Kaur and he spoke ill words to his father on phone. He filed writ CRWP No.10519 of 2022, in this Hon'ble High Court in this regard which is pending for 09-02-2023. He will honour the decision of this Hon'ble Court. If this Hon'ble High Court will provide him security he will take security.

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5. That it is that the petitioner stated in his statement that he has filed petition before this Hon'ble Court for police protection and if this Hon'ble Court will provide him police security, he will get the same. The police of P.S. Talwara is ready and willing to provide police protection if the petitioner approaches the police of P.S. Talwara for the same.”

Counsel appearing for the petitioner submits that the arguing counsel is not available today, and seeks an adjournment.

Adjourned to 10.02.2023.”

Counsel for the petitioner states that after filing of the present petition, private respondents have stopped harassing the petitioner by filing

unnecessary complaints.

In view of this situation, counsel seeks withdrawal of present petition at this stage.

Dismissed as withdrawn, at this stage. However, it would be expected from the authorities that, if any, complaint is moved by private respondent No.6 (former wife of the petitioner), petitioner would not be harassed unnecessarily without verifying the facts, mentioned in such complaint.

Being withdrawn at this stage, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 10, 2023

J.Ram

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