

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

CRWP-11938-2023

Date of Decision: December 13, 2023

Kuldeep Kaur and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pridhi Jaswinder Sandhu, Advocate for the petitioner.

Ms. Ramta K. Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Article 226/227 of the Constitution of India is for the issuance of a writ in the nature of mandamus directing the respondents No.2 and 3 to protect the life and liberty of the petitioners, who face a threat at the hands of the private respondents.

2. The learned counsel for the petitioners contends that Harnek Singh Gill the son of petitioner No.1 was married to respondent No.4- Mandeep Kaur on 10.11.2014 and a matrimonial dispute was pending between them. The Canadian Courts had granted a divorce. However, Mandeep Kaur in order to grab money had been lodging false and frivolous complaints against the petitioners and their family members, who were being called to the Police Station, time and again. He, therefore, prays that appropriate orders for protection of the petitioners be passed.

3. The learned State counsel, on the other hand, contends that the application dated 09.01.2023 submitted by the petitioners' side had been enquired into and had been filed, whereas the complaint dated 7.12.2023 has not yet reached the investigating agency. He further contends that the first petition praying for the same relief had been argued at length and had been withdrawn on 2.12.2023. Therefore, the second petition was frivolous and not maintainable.

4. I have heard learned counsel for the parties.

5. As regards the complaint dated 7.12.2023 (AnnexureP-2), the same has not yet reached the investigating agency. As regards the complaint dated 9.1.2023, it was enquired into and filed and the relevant extract of the enquiry report reads as under :-

“During the course of enquiry of the application both the parties called at Women Cell their statement have been recorded. The applicant Kuldeep Kaur has levelled allegation that a case regarding property and divorce is pending between her daughter-in-law Mandeep Kaur and her son Harnek Singh in Canada (Sari). The daughter-in-law Mandeep Kaur of the applicant was willing to talk with her mother-in-law Kuldeep Kaur from Canada regarding the above case on telephone. When her talk was not materialized on phone, Mandeep Kaur along with Rakesh Kumar of her village and her friend Pooja as per her instruction were gone to the house of her mother-in-law at Sarhala Kalan on 6.4.2022 to got arrange her talk with her mother-in-law. No fact came to light regarding usurping of property or

feared and threatened by Rakesh Kumar and Pooja. Mandeep Kaur daughter-in-law of the applicant in the 1st November, 2022 came to India. She along with her Advocate and car driver had visited her in-laws house on 31.12.2022 to talk regarding above mentioned case. Thereafter, till date Mandeep Kaur, Rakesh Kumar and Pooja never went to her in-laws house.

The applicant Kuldeep Kaur due to property and divorce case was pending in Canada between her daughter-in-law Mandeep Kaur and her son Harnek Singh, the applicant had submitted the above mentioned application to put pressure on her daughter-in-law Mandeep Kaur to withdraw the cases pending in foreign country and her daughter-in-law Mandeep Kaur has filed a case in Sessions Court at Chandigarh regarding under Domestic Cruelty Act and maintenance of her daughter Japuji Kaur which is pending consideration in the Court. That the matter is found to be of family dispute between both the husband and wife. I am consented with the report of In-charge Women Cell Garhshankar Camp at Chabbewal. Hence, it is recommended to consign this application to record room.

Report is submitted please.

Sd/- 03.06.2023

Deputy Superintendent of Police,
Crime Against Women and Children
District Hoshiarpur”

6. Further, on 2.12.2023 in CRM-M-60675-2023 titled as ‘Kuldeep Kaur and others Vs. State of Punjab and others, the following

order was passed by this Court :-

“After arguing for sometime, learned Counsel for the petitioners wishes to withdraw the petition with liberty avail alternative remedies available to them in accordance with law.

The petition is ordered to be dismissed as withdrawn with aforesaid liberty.”

7. In view of the aforementioned facts, it is quite apparent that the petitioners are repeatedly filing frivolous petitions/complaints on one pretext or the other to pressurize their estranged daughter-in-law Mandeep Kaur-respondent No.4.

8. Therefore, while dismissing the present petition, I deem it appropriate to impose a cost of Rs.50,000/- on the petitioners to be deposited with the High Court Bar Association, Chandigarh, Lawyers Family Welfare Fund, A/c No.41564846387, State Bank of India, High Court Branch, IFSC-SBIN0050306 within a period of seven days from the date of receipt of this order.

9. A copy of this order be despatched to the petitioners as well as to the Illaqa Magistrate concerned, for immediate compliance.

10. The Registry is directed to place on record the compliance of this order by the petitioner with respect to depositing of cost.

December 13, 2023
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO