

2024:PHHC:048509

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

254

CRM-M-25424-2017
Date of Decision : April 09, 2024

AMANJOT KAUR AND OTHERSPetitioners
VERSUS
STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.S.Sullar, Advocate for the petitioners.
Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, mandamus is sought upon the official respondents No.2 to 4 to take appropriate legal action against the accused persons mentioned in para No.1 of the petition in pursuance of DDR No.24 dated 8.5.2017 and also sought the issuance of directions for referring the matter to CBI or any other independent agency.
2. During the pendency of the instant petition, much water has been flown as upon the DDR (supra), an FIR No.121 dated 8.5.2017, under Sections 307, 452, 324, 323, 427, 506, 148, 149 IPC, has been registered at Police Station Dakha, District Ludhiana against the husbands of the petitioners, where admittedly the petitioners are not the accused and now both the cases are pending before the learned trial Court concerned for adjudication.
3. Learned counsel for the petitioners has also raised some additional issues i.e. with regard to the illegal detainment of the present petitioners No.1 to 3, who are the wives of accused in cross-case and submits that though they are not accused, the police should have not illegally picked them up and brought them to the Police Station and infact

they had acted upon the behest of the private respondents to humiliate them.

4. This Court has passed numerous orders and finally today reply by way of affidavit of Superintendent of Police (HQ), District Ludhiana (Rural), has been filed by the State, which is taken on record. The allegations against the present petitioners have been refuted in the reply, which reads as under:-

“2. That it is respectfully and humbly submitted that the allegations detained petitioners Amanjot Kaur and Rupinder Kaur are concerned the same are denied being incorrect. On registration of this case and cross case the raids were conducted by the police party to arrest the accused. However the family members of the accused and other persons were protesting against the registration of this FIR and cross- case in front of the police station Dakha. The roads were blocked by the protestors and the dharna was laid outside the premises of the police station Dakha. At the time of Dharna, the alleged detainee Amanjit Kaur and Rupinder Kaur have tried to enter the police station Dakha. However these ladies were prevented from entering the police station with the help of lady Constable and escorted out from the police station by other police officials.

3. That it is further respectfully submitted that as regards the photographs enclosed with the present petition are concerned. it is submitted that these photographs are of the police station Dakha and the vehicles shown in the photographs are also the vehicles which were lying parked in the malkhana of the police station.

4. That it is further respectfully submitted that the alleged denue Amanjot Kaur and Rupinder Kaur were neither called to the police station Dakha nor illegally detained in the police station Dakha in custody as alleged. The petitioners in order to create defence in favour of the accused have leveled such false and frivolous allegations against the police officials with the intention to mislead this Hon'ble Court and to put pressure on the police officials so that the police officials may not arrest the accused. There is no truth in the allegations leveled by the petitioners on the police officials.”
5. Though the learned counsel for the petitioners has refuted the contention raised by the State in the reply (supra), by referring to the press note Annexure P-8, however, this Court at this stage, when the trial is in progress and specifically when there are disputed questions of facts, which cannot be adjudicated by this Court through the instant petition, that too by way of exchange of affidavit. Since the main grievance of the present petitioners has already been addressed, therefore, this Court deems it fit and appropriate to **dismiss** the instant petition, however, with liberty to the petitioners that in case, they still have any grievance with regard to the averment of illegal detention, they can take appropriate remedy by making an appropriate motion before an appropriate Forum/Court.
6. **Disposed** of accordingly.

April 09, 2024
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(KULDEEP TIWARI)
JUDGE

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