

110

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

CRM-M-16804-2024

Date of decision: 05.04.2024

Mamta Behal and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking issuance of directions to respondents No.2 to 4 not to unnecessarily harass the petitioners by calling them to the police station without any notice despite the fact that the petitioners have already been found innocent and FIR No.35 dated 08.03.2024 under Sections 406/498-A registered at Police Station City Nawanshehar, District S.B.S. Nagar, has been registered only against the husband and father-in-law, the petitioners being distant relatives are being targeted and unnecessarily harassed by the police without complying with the provisions of Section 160 Cr.P.C. and without serving any advance notice in writing.

Learned counsel for the petitioners *inter alia* contends that the petitioners are distant relatives of Gaurav Sham and Radhey Sham and both are settled abroad. Gaurav Sham embroiled in a matrimonial dispute with his wife,

namely, Naina (daughter of complainant/respondent No.5) who is also residing abroad and Gaurav Sham and Naina have taken divorce by way of mutual consent on 08.07.2021 before the competent Court of jurisdiction in Virginia, USA. A divorce decree is annexed with the petition as Annexure P-3. It is further submitted that two years after the divorce, a false and frivolous complaint has been filed against the husband and his father. All the allegations contained in the FIR (*surpa*) are against those two persons and the FIR has been lodged only to wreak vengeance due to personal and private spite. The instance of cruelty as indicated in the FIR has taken place in USA, as such, the jurisdictional police authority has no jurisdiction to investigate the FIR (*supra*) in view of the ratio of law laid down in the judgment of the Hon'ble Supreme Court in 'Harmanpreet Singh Ahluwalia Vs. State of Punjab' 2009 (2) R.C.R. (Criminal) 956. It is further contended that conduct of respondent No.3 is contemptuous as he, under the influence of the complainant/respondent No.5, calling the petitioners and harassing them which is in clear violation of the provisions contained under Section 160 Cr.P.C. as also in view of the ratio of law laid down in the judgment of the Hon'ble Supreme Court in 'State Rep. By Inspector of Police and others Vs. N.M.T. Joy Immaculate' 2004 (3) R.C.R. (Criminal) 322.

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of the official respondents-State and on instructions from ASI Om Prakash, submits that the petitioners are not required for any purpose in the investigation of the FIR (*supra*) and respondent No.3 will not summon the petitioners for all intents and purposes as they are not required.

In view of the above, the grievance raised by the petitioner in the present petition has been substantially redressed.

The present petition is disposed of accordingly

However, in case respondent No.3 summons the petitioners again, the petitioners would be at liberty to initiate the appropriate proceedings including contempt proceedings against respondent No.3.

(HARPREET SINGH BRAR)
JUDGE

05.04.2024
Neha

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