

2024:PHHC:074204



S. No.116

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

CRWP No.4842 of 2024

Date of Decision:24.05.2024

Gurbir Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vicky Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Learned counsel for the petitioner contends that marriage of the petitioner with respondent No.5- Gurpreet Singh was solemnised wayback in November, 2010. Respondent No.5 filed a divorce petition under Section 13 of the Hindu Marriage Act before District Court at Amritsar in August, 2014, copy of which is Annexure P.1, in which, the address of the petitioner (respondent therein) was shown to be that of Village Rajatal, Tehsil and District Amritsar.

That petition was dismissed in default vide order dated 06.02.2017 (Annexure P.3). Concealing the said fact, respondent No.5 filed another petition before District Court, Mohali in July, 2017 (copy Annexure P.4) and by playing fraud with the Court and by showing the false service of the petitioner, was successful in obtaining ex-parte decree of divorce vide order dated 25.07.2019.

Learned counsel contends further that the petitioner came to know about the said ex-parte divorce decree, when respondent No.5 took the defence of divorce, in a petition which had been filed by the petitioner under Section 125 of the Code of Criminal Procedure for claiming maintenance. As the petitioner came



to know about the fraud played by respondent No.5 in obtaining the ex parte decree, she wanted to approach the District Court, Amritsar but she is being threatened by respondent No.5 to withdraw the complaint as well as the representation which had been made by the petitioner to Senior Superintendent of Police, Amritsar, copies of which are Annexures P.7 and P.8.

Petitioner now prays for grant of necessary protection to her.

Notice of motion to respondents No.1 to 3 only for the time being.

Mr. Vinay Kumar Malhotra, DAG, Punjab, accepts notice on behalf of the respondent- State.

This petition is hereby disposed of with direction to respondent No.2- Senior Superintendent of Police, Amritsar Rural, Amritsar to dispose of representations Annexures P.7 and P.8, in the time bound manner within 15 days positively. Said respondent No.2 is further directed to assess threat perception to the life and liberty of the petitioner and if any such threat perception is found, then to provide necessary protection as per requirement.

May 24, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No