

Neutral Citation No.2024:PHHC:000638

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M No.29438 of 2019

Jaspreet Kaur ... Petitioner

Vs.

State of Punjab and others ... Respondents

2. CRM-M No.18389 of 2020

Jaspreet Kaur ... Petitioner

Vs.

State of Punjab and others ... Respondents

Date of decision: 5.01.2024

Reserved on: 04.12.2023

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anupam Bhardwaj, Advocate,
for the petiitoner(s).

Mr. Kunwarbir Singh, AAG, Punjab,
for the respondent-State.

Mr. K.S. Bal, Advocate,
for the private respondents.

MANISHA BATRA, J.

1. This common order shall dispose of the aforementioned two petitions filed by the petitioner Jaspreet Kaur under Section 482 of Cr.P.C. for issuance of certain directions to the official respondents. The common facts as culled out from both these petitions are that the petitioner was married with one Jaskirat Singh (i.e. the son of private respondents in both the petitions) on 13.11.2011. A male child was born

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to her on 03.07.2013. There was matrimonial discord between the petitioner and her husband who is staying elsewhere. The petitioner along with her minor son is admittedly living on the first floor of the same house wherein the private respondents who are her parents-in-law had been residing. The petitioner has filed applications under the provisions of the Protection of Women from Domestic Violence Act, 2005 (For short “Act, 2005”) as well as under Section 125 of Cr.P.C. against her husband and parents-in-law which are pending before Courts of competent jurisdiction.

2. It is alleged by the petitioner that in order to throw her son and herself from her matrimonial house, the private respondents have been making evil attempts which even included an attempt to kill her by trying to strangle her. She further alleged that she had filed representations on 10.05.2019 and 14.05.2019 (Annexure P-4/Annexure P-5) respectively with the official respondents to seek protection of her life and liberty and to prevent the private respondents from throwing her out of her matrimonial house but those representations have not been decided so far and she has been constantly harassed. In the second petition, it is submitted by her that due to outbreak of Pandemic of Covid 19, she had gone to meet her mother and could come back to her matrimonial house only on June 03, 2020 as she remained stuck up due to lockdown but was not allowed to enter there by the private respondents. Therefore, prayer has been made by her to direct the official respondents to take action against her parents-in-law.

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3. The official respondents have filed status reports in both the petitions as per which the petitioner along with her son had been residing in a room existing on the first floor of the house which is owned by her father-in-law and there have been quarrels between them. As per the status report, inquiry had been conducted in the matter by the police. As per the report, the father-in-law of the petitioner had recorded a statement that he will not evacuate the petitioner forcibly and she could even live in a room at the ground floor. As per the status report filed in the second petition, the allegations as levelled by the petitioner qua being extended threats, or being forcibly dispossessed have not been proved on conducting inquiry.

4. It will not be out of place to mention here that efforts were being made for reconciliation of the dispute between the parties by referring the matter to the Mediation and Conciliation Centre of the High Court but the proceedings have remained non-starter. It has also been brought to the notice of this Court by learned counsel for the private respondents that presently, they are residing abroad. The petitioner by filing these petitions is seeking indulgence of this Court for the purpose of directing the police authorities to initiate action against the private respondents on the basis of the representations filed by her. As already discussed, litigation already initiated by the petitioner is pending against the private respondents. During the course of arguments, learned counsel for the petitioner has failed to point out as to what other action, the petitioner requires to be taken as against the private respondents. More

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so, this Court feels that no direction can be issued to the official respondents for issuing any direction as against the private respondents in the peculiar facts and circumstances of the case. So far as the prayers made by the petitioner to direct the official respondents to take appropriate legal action against the private respondents for causing harassment, maltreatment or threat to her life and liberty is concerned, in the considered opinion of this Court, the proper remedy for the petitioner for that purpose is not to come to this Court but to approach the Magistrate concerned or the Court of competent jurisdiction especially in the circumstance when as per the report submitted by the official respondents, the inquiry conducted by them does not reveal any case of harassment and maltreatment etc. and when she is already availing the same by filing appropriate complaints. However, still without going into the merits of the allegations as levelled by the petitioner in both the petitions, the same are disposed of with a direction to the official respondents to look into the grievance of the petitioner as expressed in the representations Annexures P-4 and P-5 as filed in CRM-M No.29438 of 2019 and Annexure P-2 as filed in CRM-M No.18389 of 2020 and take appropriate action, if any, warranted in the circumstances.

5.01.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No