

**CRWP-6337-2024 (O&M)**

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108**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-6337-2024 (O&M)****Date of Decision: 12.09.2024****BALJINDER KAUR AND ANOTHER****.....PETITIONERS****Vs.****STATE OF PUNJAB AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****Present:-** Mr.Akun Sheemar, Advocate,
for the petitioners.

Ms. Himani Arora, A.A.G., Punjab.

***********HARPREET KAUR JEEWAN, J. (ORAL)**

1. The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India, for issuance of directions to respondents No. 2 and 3 to protect the life and liberty of the petitioners by providing adequate security.

2. Learned counsel for the petitioners submits that the petitioners have already moved complaints, dated 13.06.2024 (Annexure P-2) and dated 25.06.2024 (Annexure P-8) before the Senior Superintendent of Police, Hoshiarpur.

2.1 Counsel for the petitioners further contends that the husband of petitioner No. 1 is living in Italy whereas, the petitioner and her minor daughter had been turned out from the matrimonial home despite the fact that there is a family partition *inter se* the husband of the petitioner, his siblings



and his father and the husband of the petitioner is entitled to a share on the basis of the said partition.

2.2 It is further contended that the husband of petitioner No. 1 has also filed a civil suit for declaration (Annexure P-5). Since the petitioner and her minor child have been turned out of the house, as such, the petitioner has moved a complaint under Section 12 of the Protection of Women From Domestic Violence Act, 2005 (Annexure P-3) and sought the relief of shared accommodation.

3. Today, learned State counsel has filed a short reply by way of an affidavit of Sh. Davinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur. The same is taken on record.

3.1 In the aforesaid reply, this fact has been mentioned that an inquiry was made by the Sub-Inspector Lakhbir Singh, on the basis of an application (Annexure P-8) submitted by the petitioner. The petitioner Baljinder Kaur gave a statement in the said inquiry that she will honour the decision of this Court and she does not want any action to be done on the basis of the said application, as such, the application was recommended to be filed.

3.2 It is further submitted that on 24.05.2024, the police of Police Station Tanda, visited the Civil Hospital, Tanda, to record the statement of Ravinder Singh-husband of the petitioner with regard to MLR No. VJS/61/T/24, however, the husband of the petitioner stated that he is not feeling well and he will get the statement recorded when he feels better. Thereafter, the husband of the petitioner went abroad without giving any statement with regard to the said MLR.



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3.3 It is further stated that the CCTV footage alleged by the petitioner was not handed over to the police of Police Station Tanda.

4. In view of the above, the present petition is disposed of with liberty to the petitioner to avail alternate remedy, in terms of the decision of the Hon’ble Apex Court passed in Sakiri Vasu vs. State of U.P. and others 2008 (2) SCC 409 and M.Subramaniam and another vs. S. Janki and another 2020 (2) RCR (Criminal) 788.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.

September 12, 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether Speaking

Whether reportable

Yes

No