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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-10282-2024 (O&M)
Date of decision: 23.10.2024

Neeru Bhoj

... Petitioner

Vs.

State of U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Sarvjit, Addl. PP, U.T. Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.2 & 3 not to harass the petitioner illegally at the behest of respondent No.4 and also to restrain him from interfering in peaceful life of the petitioner and further to protect the lives and liberty of the petitioner and her family members from the hands of respondent No.4 and to register a case against him.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner and respondent No.4 met on a matrimonial portal and respondent



No.4 introduced himself as Lt. Col. in the Indian Army and the petitioner was induced into his sweet talks, whereas respondent No.4 was already married and he concealed the factum of his marriage. The petitioner and respondent No.4 performed marriage with each other on 15.11.2022 at Arya Samaj Mandir, Greater Noida (UP), which is as discernible from Annexures P-1 & P-1A. Although respondent No.4 was serving in Indian Army as Lt. Col., but he was in the habit of excessive drinking and taking drugs. Apart from being an addict, respondent No.4 was also a womanizer and he was suffering from Sexually Transmitted Disease (STD) and his medical record is attached with the present petition as Annexure P-2. On 26.01.2023, when respondent No.4 returned home in an inebriated condition and on being confronted by the petitioner, he gave severe beatings to her and thereafter, he kept her confined illegally and continuously beaten her and maltreated her. Thereafter, the petitioner filed a complaint under Section 156(3) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for registration of a case against respondent No.4 and every time, when she used to attend the Court at Sector-43, Chandigarh, she was threatened by the hired stooges of respondent No.4. As such, she approached this Court seeking protection by way of filing CRWP-2441-2024, which was dismissed as withdrawn on 18.03.2024. Thereafter, the petitioner approached the Senior Superintendent of Police, Chandigarh by filing a representation dated 09.07.2024 (Annexure P-5). She also submitted representation to the Senior Superintendent of



Police, Bathinda. She is living at different places feeling threats to her life. She has even filed complaint to the Army Authorities (Annexure P-6). The earlier petition i.e. CRWP-2441-2024 filed by the petitioner was dismissed as withdrawn on 18.03.2024 on the ground that no representation was submitted before the Senior Superintendent of Police, Chandigarh and now she has already approached the Senior Superintendent of Police, Chandigarh by submitting the representation dated 09.07.2024 (Annexure P-5).

3. *Per contra*, learned Addl. PP, U.T. Chandigarh appears on advance notice and on instructions from ASI Sanjiv Kumar, submits that the order passed in CRWP-2441-2024 by this Court on 18.03.2024 clearly indicates that no liberty was granted to the petitioner to file a fresh petition after submitting representation to the Senior Superintendent of Police, Chandigarh. After addressing the arguments, when this Court was not inclined to issue any direction, the petitioner withdrew the petition i.e. CRWP-2441-2024, as such, on the same cause of action, second petition praying for same relief, would not be maintainable. It is further contended that the petitioner has also withdrawn her complaint filed under Section 156(3) Cr.P.C. and once again, she has filed another complaint after withdrawal of the earlier complaint and the same is now pending consideration before learned jurisdictional Court. Further, no specific date or time of the instances have been mentioned in the present petition, which would remotely suggest that there is an apprehension to her life and liberty.



It is purely a private and matrimonial dispute between the petitioner and respondent No.4-her husband.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that a matrimonial dispute is pending between the petitioner and respondent No.4. Nothing specific has been mentioned by the petitioner in the present petition with regard to any apprehension of threat to her life and liberty. This second petition has been filed praying for the same relief, sought in the earlier petition i.e. CRWP-2441-2024, which was withdrawn on 18.03.2024.

5. In view of the above, this Court is not inclined to issue any such direction. Accordingly, the present petition is dismissed.

23.10.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No