

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

State of Punjab and others ...Respondents

HARPREET SINGH BRAR, J. (ORAL)

2. Briefly, the facts are that the marriage of the petitioner was solemnized with respondent No.6 on 21.10.2020. Both the parties were divorcees. The parents of the petitioner has spent considerable amount according to their financial status and 40 persons came in *baraat* of respondent No.6. After one month of the marriage, the father-in-law of the petitioner who is a practising lawyer, started taunting the petitioner that by bringing less dowry, she has brought disgrace to the family in the eyes of society. Parents of respondent No.6 pressurized the petitioner to bring Rs.10 lakh from her parents so that they can construct a new house. However, the father of the petitioner



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was not in a position to meet the demand raised by her in-laws and as such, the father-in-law, mother-in-law as well as the husband of the petitioner got annoyed and they started picking up quarrels on petty issues with the petitioner.

3. The father-in-law of the petitioner used to consume liquor on daily basis and do obscene acts with the petitioner. To her utter surprise, instead of objecting to the behaviour of his father, respondent No.6 pronounced that his father will continue to do these obscene acts. The petitioner was working as a teacher in a private school and the whole salary of the petitioner was usurped by her mother-in-law. Respondent No.6 and his parents connived with each other, started harassing and humiliating the petitioner and resorted to physical violence on daily basis due to non-fulfilment of their demand of Rs.10 lakh. Ultimately, the petitioner was turned out of matrimonial home on 25.12.2020 by giving beatings. The petitioner narrated the entire story to her parents in the first week of January, 2021. Her parents, in order to save her matrimonial life, brought her back to matrimonial home, however, respondent No.6 gave merciless beatings to her and turned the petitioner out of matrimonial home again by saying that if she wants to reside in the house, she has to pay Rs.10 lakh. A *panchayat* was convened on 14.05.2021 and due to its intervention, the petitioner was allowed to stay in her matrimonial home. Thereafter, on 14.06.2021, after giving severe beatings, it was openly declared by respondent No.6 and his parents that they will only allow the petitioner to reside in her matrimonial home upon fulfilment of their demands. The dowry articles are in possession of respondent No.6 and his parents.



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4. Learned counsel for the petitioner contends that the petitioner moved a complaint before the jurisdictional police authorities on 16.09.2021 but no action was taken by it. It is further contended that the petitioner had no other option but to file a complaint dated 17.03.2022 under Section 156(3) Cr.P.C. against respondent No.6 and his parents (Annexure P-2) and the same is pending consideration before the concerned jurisdictional Magistrate. Thereafter, when the petitioner received summons on 05.08.2024, she came to know that respondent No.6 has instituted a case seeking annulment of their marriage and in the alternative, dissolution of marriage by way of decree of divorce under the Hindu Marriage Act, 1955. After receiving the said summons, the petitioner moved a representation (Annexure P-1) to Senior Superintendent of Police, Bathinda under Sections 63(4)/64 (m)/83/85/86/318/3(5) of BNS, 2023. However, in spite of filing a detailed complaint, no action was taken by the jurisdictional police authorities. She further relies upon the judgments of the Hon'ble Supreme Court passed in 'Sindhu Janak Nagargoje Vs. The State of Maharashtra and others' 2024(1) PCCR 78 and 'Lalita Kumari Vs. Government of U.P. and others' (2014) 2 SCC 1.

5. Per contra, the learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that it is a private dispute between the husband and wife. Moreover, the petitioner has already filed a complaint under Section 156 (3) of Cr.P.C. before the jurisdictional Magistrate and her statement has already been recorded. He further submits that the petitioner has filed another complaint/representation before the Senior



Superintendent of Police, Bathinda, on the same set of allegations, only after receiving summons in a divorce case filed by respondent No.6.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

7. A two Judge Bench of the Hon'ble Supreme Court in ***Sakiri Vasu Vs. State of U.P. and others, (2008) 2 SCC 409*** has held that the Magistrate has been bestowed with all necessary powers to ensure proper investigation under Section 156(3) Cr.P.C. Discouraging the practice of approaching the High Court for redressal of grievances like non-registration of FIR or improper investigation, Justice Markandey Katju made the following observations:

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an



alternative remedy the High Court should not ordinarily interfere.”

8. This ratio was reiterated in the judgments rendered by the Hon’ble Supreme Court in ***Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhange and others, (2016) 6 SCC 277, M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728, Dilawar Singh vs. State of Delhi 2007(4) R.C.R(Criminal) 115.***

9. The High Courts, while exercising its inherent powers under Section 482 Cr.P.C., can issue directions for prompt and proper investigation, however, it would be out of bounds to instruct the investigation to be completed in a certain time frame, in alignment with the opinion expressed by it. The Courts must be conscious of its influence and not exercise the same in an unwarranted fashion as it may prejudice the conclusion of the investigating agency, straying further away from achieving the overarching goal of justice.

10. Further, even though the jurisdictional Magistrate is well equipped to deal with such type of matters, learned counsel for the petitioner has not able to provide a satisfactory response regarding approaching this Court instead of pressing her pending application before the concerned jurisdictional Court.

11. Since, in furtherance of the application moved by the petitioner under Section 156(3) Cr.P.C., the statement of the petitioner has been recorded and the matter is currently pending adjudication, it would serve no purpose to have the Senior Superintendent of Police conduct a parallel inquiry. Admittedly, a second complaint has been made on the same set of allegations after receiving summons with respect to the annulment/divorce proceedings initiated by

respondent No.6. This conduct of the petitioner begs the inference that the representation before the SSP was moved to satisfy private spite.

12. In view of the facts and circumstances of the case, this Court is not inclined to issue any direction as prayed for. Accordingly, present petition is dismissed being bereft of any merit.

(HARPREET SINGH BRAR)
JUDGE

29.10.2024
Neha

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