



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

**CRWP-11112-2023 (O&M)
Reserved on: 06th May 2024
Date of decision: 30th July 2024**

AVNEET KAUR

.....Petitioner

versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

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

HARPREET KAUR JEEWAN, J.

1. The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India seeking protection of life and liberty of the petitioner alleging that she is facing imminent danger at the hands of respondent Nos.6 to 12.

2. Learned counsel for the petitioner submits that there is an apprehension of threat to her life and liberty, as such, she had moved a representation dated 07.11.2023 (Annexure P-1) followed by another application dated 08.11.2023 (Annexure P-2), however, no action thereon has been taken by the concerned authorities.

3. Learned State counsel has filed status report dated 11.12.2023, by way of affidavit of Sh. Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur.

4. Another reply dated 15.02.2024 has also been submitted by the learned State counsel, by way of affidavit of Sh. Harjit Singh, PPS, Deputy



Superintendent of Police, Sub-Division Tanda, District Hoshiarpur, on behalf of respondents No.1 to 5, wherein it has been submitted that initially respondent No.7-Kuljit Singh Tuli submitted an application dated 31.10.2023 to SHO, Police Station Tanda, District Hoshiarpur against the petitioner and her relatives regarding mental harassment and defamation. Thereafter, respondent No.6-Sumit Tuli also submitted an application dated 28.11.2023. It is further alleged that the petitioner submitted an application dated 08.11.2023 to SSP, Hoshiarpur and thereafter, petitioner submitted another application dated 20.11.2023 to SSP Hoshiarpur, for protection of her life and liberty at the hands of private respondents.

4.1 It is further contended in the reply dated 15.02.2024 that an inquiry was conducted wherein, it was found that respondent No.6-Sumit Tuli was married to the petitioner on 01.01.2012. However, there was a matrimonial dispute *inter se* the petitioner and respondents No.6 to 8. In view of the facts and circumstances, the proceeding of preventive action under Sections 107, 151 Cr.P.C. was initiated against respondent No.6-Sumit Tuli and he was arrested in proceedings under Sections 107, 151 Cr.P.C. on 29.11.2023. Proceedings under Sections 107, 150 Cr.P.C. were also initiated against respondent No.7-Kuljit Singh Tuli, respondent No.8-Jaswinder Kaur Tuli and the petitioner and others vide DDR No.37 dated 29.11.2023. Kalandara under Sections 107, 151 Cr.P.C. was presented against respondents No.6 to 8 and petitioner and others before the Court of learned SDM, Dasuya, District Hoshiarpur on 29.11.2023.

5. Thereafter, additional short reply dated 18.04.2024, was filed by the learned State counsel, by way of affidavit of Sh. Harjit Singh, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur. The



relevant portion of the same reads as under:-

“xxx xxx xxx xxx

8. *The aforesaid applications Annexure P-1 and Annexure P-2 were inquired into by the predecessor of the deponent collectively. During the inquiry, the predecessor of the deponent sent notices to the petitioner party and private respondents to join inquiry of the aforesaid applications. The petitioner sent her hand written statement on the Whatsapp number of Reader of the predecessor of the deponent and the deponent found from the statement of the petitioner and from the contents of the application that the petitioner and private respondents are living separately and they are levelling allegations against each other for giving threats to each other. The police of P.S. Tanda, District Hoshiarpur has taken preventive action against the petitioner and private respondent to avoid untoward incident and to avoid breach of peace and the predecessor of the deponent also found that the matter of the applications does not call interference of the police and the predecessor of the deponent recommended to file the aforesaid applications in view of the report of SHO, P.S. Tanda, District Hoshiarpur and sent the inquiry to SSP, Hoshiarpur for further action. Consequently the SSP, Hoshiarpur had seen and filed the aforesaid applications.*

9. *That it is submitted that the local police also verified that the respondent Sumit Tulli filed divorce petition U/s 13 of HMA before the court of Ms. Kiran Bala, Principal Judge, Family Court, Dasuya and the petitioner has filed petition before this Hon'ble Court for transfer of divorce petition from the Trial Court Hoshiarpur to Jalandhar and the said petition filed by the petitioner was sent to the Mediation Center at Chandigarh for compromise for 21.05.2024.*

10. *The respondent Sumit Tulli also filed petition for custody of his children against the petitioner before the court of Ms. Parminder Kaur Bains Ld. Additional Civil Judge (Sr. Div.), Dasuya and the same is pending for hearing on 22.04.2024.*

11. *The petitioner has also filed petition under Domestic Violence Act against the private respondents in the Hon'ble Court at Jalandhar and*



the same is pending for hearing for 29.04.2024. It was also found by the local police that the petitioner is living abroad at present and the children of the petitioner are living with the respondent No.6 at Tanda, District Hoshiarpur and the matrimonial litigation is pending between the petitioner and respondent No.6 and others in the Hon'ble Courts.

12. That it is submitted that the answering respondents are doing their duties as per law and have not violated any rule and regulations. As per verification of the local police, the petitioner is living at present in England and is not present in India and the private respondents are living at Tanda, District Hoshiarpur and the children are living with the respondent Sumit Tulli and as such there is no danger to life and liberty of the petitioner at the hands of private respondents. However, the SHO, P.S. Tanda, has instructed the duty officers of his police station to ensure protection of the petitioner, as and when she comes to the Police Station Tanda, District Hoshiarpur and seeks protection. The local police has also taken preventive action against the petitioner and private respondents to avoid breach of peace.

xxx xxx xxx xxx ”

6. The learned State counsel, while referring to the aforesaid status reports, contends that proper action has already been taken by the official respondents and both the representations dated 07.11.2023 (Annexure P-1) and dated 08.11.2023 (Annexure P-2) have already been decided by the Police authorities.

7. I have considered the aforesaid contentions and perused the paper book.

8. As per the version of the petitioner, she got married to respondent No.6-Sumit Tuli on 01.01.2012 at Jalandhar. It was a grand wedding and sufficient dowry articles, including gold and other valuable jewellery, were given to respondent Nos.6 to 9, who are the husband, father-in-law, mother-in-law and sister-in-law respectively of the petitioner. Out of the said wedlock,



two children, aged about 10 years and 04 years were born. Respondent Nos.6 to 9 were not happy with the dowry articles given to them by the petitioner's family, due to which they started harassing the petitioner for bringing less dowry articles. The private respondents No.6 to 9 have been raising a demand that the petitioner should bring a sum of Rs.30 lakhs from her father to compensate for insufficient dowry articles having been given in the wedding. It is further alleged that respondent No.6-husband of the petitioner is a drug addict. At many occasions, respondent No.6-husband had severely beaten up the petitioner under the influence of liquor and for this reason, the parents of the petitioner used to take her along with them. However, with the intervention of the Panchayats, private respondents used to apologize for their acts and the petitioner used to return back to her matrimonial home, keeping in view the future of her children. On 04.12.2021, the petitioner, along with her minor children, was thrown out of her matrimonial home and she started residing in her parental house along with her minor children. Respondent No.6-husband of the petitioner developed illicit relationship with respondent No.10. Due to the said relationship and in order to get rid of the petitioner, the private respondents hatched a conspiracy and asked the petitioner to shift to United Kingdom. Ultimately, the petitioner went to United Kingdom on 12.12.2022. However, the respondent No.6 did not allow the petitioner to talk to her minor children and also refused to keep any relationship with the petitioner. The petitioner came to know about the misdeed of the private respondents No.6 to 10 and she returned back to India in August 2023 as there was marriage of her brother. The respondents No.6 to 9, despite having an invitation, did not attend the marriage nor did they allow the petitioner to meet her children. Respondent No.10



started threatening the petitioner to get a divorce from her husband-respondent No.6 otherwise she would face dire consequences. Respondent No.6 also filed a divorce petition against the petitioner.

8.1 It is further alleged by the petitioner that the passport of the minor children of the petitioner were also got prepared without the consent of the petitioner despite the fact that the minor children were already having the passports and the same were lying with the petitioner.

8.2 It is further alleged by the petitioner that in a conspiracy with respondent No.6, both respondents No.7 and 8 gave two complaints against the petitioner in the Police Station with the allegations that respondent No.6 has committed suicide and he is missing from the house for the last three days. The petitioner received a phone call from ASI Maninder Kaur, Police Station Tanda on 22.11.2023. However, the said complaint was found to be false as respondent No.6 was found present in some hotel near Talwara and this fact was revealed through a bank transaction done by respondent No.6. The respondent No.6, having realized that he would not easily get rid of the petitioner, hired the services of some anti-social elements who were giving threats to the petitioner. As such, the petitioner moved a complaint/Representation dated 07.11.2023 (Annexure P-1) and subsequently Representation dated 08.11.2023 (Annexure P-2) was given by her to the senior officer, however, no action has been taken against the private respondents.

9. In view of the reply submitted by the official respondents, both the petitioner and respondent No.6 are having a matrimonial dispute. Both the petitioner and private respondents have filed complaints against each other. The official respondents have alleged that on the basis of the said complaints,



preventive action has been taken.

10. Though there is a matrimonial dispute *inter se* the petitioner and her husband, however, the contentions raised on behalf of the petitioner are that respondents No.7 and 8 gave two complaints to the Police alleging that their son Sumit Tuli-respondent No.6 had committed suicide, whereas, he was found present in a Hotel and such complaints are alleged to be a conspiracy. Despite that, the Police authorities have not taken any action on the representations of petitioner and merely opted to have preventive action under Sections 107, 151 Cr.P.C.

11. In view of the above facts and circumstances, the case calls for an interference by this Court by way of issuance of directions to the official respondents to decide the Representation dated 07.11.2023 (Annexure P-1) and Representation dated 08.11.2023 (Annexure P-2) afresh, as per law, within a period of two months from today and take appropriate action, if a cognizable offence is made out. The Representations be decided by an officer of the rank of Superintendent of Police.

12. With the aforesaid directions, the present Criminal Writ Petition stands disposed of.

13. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30th July, 2024
simran

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>