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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-11215-2024 (O&M)
Date of decision: 21.11.2024

Razneet Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to protect life and liberty of the petitioner from the hands of private respondents and further to issue a direction to respondent No.2 to consider and decide the applications/complaints dated 10.10.2024 (Annexure P-3) and 14.11.2024 (Annexure P-4) and to take appropriate legal action against respondents No.6 to 11.

2. Learned counsel for the petitioner, *inter alia*, contends that

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marriage of the petitioner was solemnized with respondent No.6 on 01.07.2023 according to Sikh rites and rituals and out of this wedlock, one female child was born on 23.04.2024. On the marriage, father of the petitioner spent huge amount and gave gold articles and other household items to the private respondents and on reaching her matrimonial home, when she demanded her istridhan, her in-laws refused to give the same to her and kept all of her belongings with them. Even on 30.10.2022, at the time of '*roka*' ceremony, father of the petitioner gave diamond ring and gold chain to respondent No.6 and thereafter, as demanded by in-laws of the petitioner, her father gave other household articles. Father of the petitioner also booked an Innova car to give to his daughter in the marriage, however, the same could not be delivered at the time of marriage. After two months of the marriage, in-laws of the petitioner started abusing her and demanded more dowry. The father-in-law of the petitioner asked her to sell all the gold articles, which she brought in the marriage and he would pay off his debt from the same and her mother-in-law also taunted her that her other daughters-in-law had brought lot of dowry. The mother-in-law of the petitioner used to pressurize her that whenever her daughter and son-in-law would come to their house, she should serve like servants. One day, when sister-in-law of the petitioner along with her husband came to her in-laws' house, she said that her father told to give a car later and she used abusive language about father of the petitioner. On being stopped not

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to talk like this, her sister-in-law grabbed her by hair and her husband dragged her and he said to her mother, if she could not turn her out of her matrimonial home, then they would do. Thereafter, on being informed to her father, he came to matrimonial home of his daughter and pacified the matter.

3. Learned counsel for the petitioner further contends that the petitioner got pregnant and she along with her husband moved to Chandigarh. The interference of her in-laws never stopped. While living in the hotel, her husband used to insult her in front of hotel staff and he was already drug addict and used to go with his female friends for parties etc. at night and used to force her to accompany him. When she objected to it, she was given beatings during her pregnancy. When she was pregnant of 7-8 months, she was kept in a hotel by her husband and on coming to know about this, her father rented a flat at Zirakpur and also paid her expenses. The petitioner gave birth to a girl child, due to which, her in-laws treated her very harshly. For the birthday function of girl child, on demand of her husband, her father gave Rs.50,000/-. Thereafter, in order to save her matrimonial life, the petitioner gave Rs.1.50 lacs and Rs.40,000/- by taking the same from her sisters. On 19.08.2024, when the petitioner visited her parental home, her mother-in-law asked her to tell her father to send his granddaughter in a car. On 05.10.2024, husband of the petitioner gave beatings to her and demanded a new car, by saying that her father gave a second hand Mercedes car, which can be bought in Rs.25.00 lacs.

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On account of beatings given by her husband, the petitioner made a call at 112 at around 02.30 a.m. and she also called her father and went to hotel on 06.10.2024 and husband of the petitioner, by showing hockey stick, threatened her to kill her and her father, if she would not took away her father from there and on the said date, the petitioner made a complaint at around 04.30 p.m. and she also got herself medically examined, as discernible from MLR dated 28.09.2024 (Annexure P-2). Thereafter, the petitioner submitted applications/representations dated 10.10.2024 (Annexure P-3) and dated 14.11.2024 (Annexure P-4) before the Commissioner of Police, Ludhiana and Senior Superintendent of Police, SAS Nagar (Mohali), respectively, however, till date, no action has been taken thereon.

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

5. 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) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [now Section 175(3) of *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short 'BNSS')] Discouraging the practice of approaching the High Court for redressal of grievances like non-registration of FIR or improper

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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.”

6. 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*** and ***M. Subramaniam and another Vs. S. Janaki and another, (2020) 16 SCC 728***.

7. The High Courts, while exercising its inherent powers under Section 482 Cr.P.C. (*now Section 528 of BNSS*), 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

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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.

8. 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 directly instead of the concerned jurisdictional Court by filing an appropriate application under Section 156(3) of Cr.P.C. (*now Section 175(3) of BNSS*).

9. In view of the facts and circumstances of the case, this Court is not inclined to issue any such direction. Accordingly, present criminal writ petition is dismissed being bereft of any merit.

[HARPREET SINGH BRAR]
JUDGE

21.11.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No