



126 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-63551-2024 (O&M)

Date of Decision: 17.12.2024

DALBIR SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navmohit Singh, Advocate for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Present petition has been filed under Section 482 of Cr.P.C./528 of BNSS seeking issuance of directions to official respondents not to harass and humiliate petitioners on the complaints made at the instance of respondent No. 5 by calling the petitioners in police station Satrana, District Patiala every day, without complying with the mandatory provisions of Section 41-A Cr.P.C./35 of BNSS.

2. Learned counsel for the petitioners *inter alia* contends that Manpreet Singh-petitioner No. 5 got married to respondent No. 5-Harjit Kaur on 09.12.2017 as per Sikh rites and ceremonies. One male child i.e. Sunraj was born out of the said wedlock, who is in the custody of petitioner No. 5. Respondent No. 5 has not been able to fulfill her matrimonial duties and is living separately from her husband and son on the pretext of taking care of her mother and she has filed some complaints against her husband, father-in-law, mother-in-law and husband of sister-in-law, for which police is unnecessarily harassing the present petitioners. It is further stated that jurisdictional police is calling the petitioners to the police station without complying with the mandatory provisions provided under Section 41-A of Cr.P.C./35 of BNSS and

they are using abusive language against petitioners and petitioners No. 1 to 4 were told to inform petitioner No. 5 to hand over the custody of minor son to respondent No. 5 or they have been threatened to be arrested. It is further contended that present dispute is civil in nature pertaining to custody of the minor child, for which the appropriate forum is the Family Court. Petitioner No. 1 has already made a representation dated 12.12.2024 (Annexure P-3) for taking legal action against the private respondents.

3. Learned counsel for the petitioners further submits that the petitioners would be satisfied in case a direction is issued to respondent No.2 to consider and decide the representation dated 12.12.2024 (Annexure P-3) submitted by the petitioners in a time bound manner.

4. Notice of motion to the official respondents only.

5. Mr. Subhash Godara, Addl.A.G., Punjab, puts in appearance and accepts notice on behalf of the official respondents-State and copy of the petition has been supplied in the Court.

6. Keeping in view the prayer made by the petitioners and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the representation dated 12.12.2024 (Annexure P-3) submitted by the petitioners and take appropriate steps accordingly, within a period of four weeks from the date of receipt of certified copy of this order, in accordance with law.

17.12.2024	(HARPREET SINGH BRAR)
Ajay Goswami	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No