

CRWP-2974-2025

-1-

137

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

**CRWP-2974-2025
Date of Decision: 25.03.2025**

Arsad

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

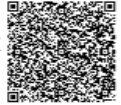
Present: Ms. Amarjeet Kaur, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the official respondent No.2 for protection of life and liberty of the petitioner and also for taking action against respondent No.3 for harassing and threatening the petitioner at the instance of private respondent No.4 despite the fact that the matter pertaining to matrimonial dispute in case FIR No.519, dated 03.10.2011, under Sections 498-A, 406, 323, 506 read with Section 120-B IPC 1860, registered at Police Station Nuh, District Mewat has already been decided in favour of the petitioner against respondent No.4.

2. The petitioner had earlier also filed a criminal writ petition before this Court in CRWP-2492-2025 in which the following order was passed:-

“1. Learned counsel for the petitioner has submitted that the complaint which was filed by the petitioner to the police vide registered post is dated 10.03.2025 and the present



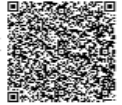
petition has been filed on 11.03.2025 which is, therefore, a premature petition. She prays for withdrawal of the present petition at this stage in order to file a fresh petition in case the grievance is not met by the police.

2. Dismissed as withdrawn with the aforesaid liberty.”

3. A perusal of the aforesaid order would show that the petitioner had filed a complaint to the police vide registered post dated 10.03.2025 and filed the aforesaid petition just after one day i.e. on 11.03.2025 which was purely a premature petition. However, learned counsel for the petitioner had prayed for withdrawal of the aforesaid petition at that stage in order to file a fresh petition in case the grievance is not met by the police and in this way, the petition was dismissed with the aforesaid liberty.

4. After 12 days of withdrawal of the earlier petition, now a second petition has been filed with a similar prayer. In the present petition, it has been so averred by the petitioner especially in Para No.18 by giving reference to the earlier order passed in the aforesaid petition vide which the same was dismissed as being premature. However, when the petitioner had withdrawn the earlier petition before this Court, liberty was granted because the petition was withdrawn at that stage in order to file a fresh petition in case the grievance is not met by the police. The petitioner after just about 12 days of withdrawal of the earlier petition chose to file the present petition again on the similar ground. On the face of it, the present petition is not even maintainable.

5. It has been argued by learned counsel for the petitioner that the matter was settled between the petitioner, who is the husband and



CRWP-2974-2025

-3-

respondent No.4, who is the wife but still a notice has been issued by the Women Protection Officer (Domestic Violence), Nuh vide Annexure P-4 and therefore, the petitioner needs protection from his own wife. A perusal of Annexure P-4 would show that the Women Protection Officer (Domestic Violence), Nuh has only issued a notice to the petitioner to appear personally on the basis of the complaint filed by his wife but the present petition has been filed for protection of life and liberty of the petitioner. It is not understandable as to how and as to for what purpose the present petition has been filed. If a notice has been issued by the Women Protection Officer (Domestic Violence) to appear before him then how the life and liberty of the petitioner is at stake. It is not the case of the petitioner that his wife i.e. respondent No.4 is having any criminal antecedents but simply because the petitioner does not wish to appear before the Women Protection Officer (Domestic Violence), Nuh at the drop of the hat, not only the present petition has been filed but also the previous petition has been filed which was earlier withdrawn. There is no cause to file the present petition.

6. This Court is of the *prima facie* view that the petitioner has abused the process of law by filing the present frivolous petition which is not even maintainable. Consequently, the present petition is dismissed. Although costs should have been imposed upon the petitioner but taking a lenient view this Court refrains itself from imposing costs.

25.03.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |