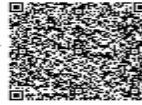


2025:PHHC:088564



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

**CRWP-6468-2025
DECIDED ON:18.06.2025**

RITIKA SHARMA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked for issuance of a writ in the nature of *Mandamus* directing the official respondents to protect the life and liberty of the petitioner and her family at the hands of private respondents with a further direction to take appropriate legal action against private respondents and also to impound the passport of respondent No.7-husband of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was married to Gurwinder Singh on 11.12.2019. Shortly after, on 29.12.2019, she went to Canada for further studies. In 2024, the petitioner became a Permanent Resident (PR) of Canada. She had earlier sponsored her husband's work permit in April 2023, bearing all expenses. Both were granted PR in July 2024. The marriage was fraudulently conducted by Gurwinder Singh to settle in Canada. After gaining PR, his and his family's behavior changed drastically. Despite spending over Rs.35 Lakhs on the

marriage, the petitioner was harassed and pressured for more dowry, including demands for property owned by her mother. The petitioner faced verbal and physical abuse, was locked in a room for five days, and continuously harassed when she refused their illegal demands. She was also pressured to give her salary to her husband. On returning to India on 12.06.2025 to buy a flat in Zirakpur, she was threatened by anti-social elements hired by her in-laws, demanding she return to Canada or face consequences. On 24.03.2025, a violent incident occurred where the husband damaged household items and the mother-in-law abused the petitioner. The event was recorded on the petitioner's phone. The petitioner is under constant threat, being confined, harassed, and coerced to give divorce or leave the country under duress.

3. Having perused the submissions advanced by the learned counsel for the petitioner and upon careful examination of the pleadings in the present petition, this Court is of the considered opinion that the petition deserves to be dismissed at the threshold, as it constitutes a clear misuse of the process of law and appears to be motivated by mala fide intent.

4. The nature of the dispute, as disclosed from the record, is purely matrimonial. The petitioner has adequate statutory remedies available under the relevant legal framework, particularly under Section 175(3) of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (BNSS), to seek appropriate redressal of grievances.

5. A detailed consideration of the sequence of events indicates that the present petition has been filed with the ulterior motive of exerting undue pressure or to forestall possible criminal proceedings under Section 498A of the Indian Penal Code, the *Dowry Prohibition Act*, and other allied statutes. The attempt to invoke extraordinary jurisdiction in a matter that squarely

falls within the realm of matrimonial and criminal remedies is an abuse of the legal process.

6. It is pertinent to note that Section 175(3) of the BNSS, 2023, provides an efficacious remedy by enabling an aggrieved party to approach the competent Magistrate for redressal of grievances relating to cruelty, dowry demands, and domestic violence.

7. The Hon'ble Supreme Court in "***Preeti Gupta v. State of Jharkhand***," (2010) 7 SCC 667, has aptly cautioned against the misuse of criminal provisions in matrimonial disputes and emphasized the necessity of judicial discretion and scrutiny before initiating such proceedings.

8. Considering the above facts and legal position, this Court finds no merit in the present petition. On a *prima facie* basis, the dispute appears to be primarily matrimonial in nature, and the petitioner seems to have filed this petition with the intention of harassment.

9. Accordingly, the petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

18.06.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No