

**CWP-20676-2025 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****121****CWP-20676-2025 (O&M)**

Date of Decision: 23.07.2025

Mandeep Kaur

... Petitioner

V/S

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kapil Aggarwal, Advocate for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. Instant writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to pay compensation of Rs.50 lacs to the petitioner for mental and physical suffering including loss of reputation on account of illegal confinement in prison for 74 days.

2. Mr. Kapil Aggarwal, counsel for the petitioner submits that the petitioner is a young married lady. An FIR bearing No. 22, dated 10.05.2024, was registered by Amandeep Singh-respondent No.4, under Sections 302, 323, 148, 149, 427 of IPC, at Police Station of Kotfatta, District Bathinda, levelling allegations against her husband and other relatives. Petitioner's husband registered a cross case vide GD No 21 dated 12.05.2024 under Sections 323, 324, 326, 148, 149 of IPC. Counsel asserts that petitioner was arrested on 10.05.2024 despite the fact that she pleaded innocence and upon investigation by D.S.P. (Rural), Bathinda, she was found to be innocent. According to his report, petitioner tried to

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intervene in the fight and had also called the police helpline. Counsel states that petitioner was granted concession of bail by the Judicial Magistrate vide order dated 23.07.2024. During the course of criminal trial, statement of complainant-respondent No.4 was recorded on 06.02.2025, Annexure P-4 and prosecution moved an application under Section 319 Cr.P.C. for summoning the petitioner as an additional accused, which was dismissed on 03.04.2025, Annexure P-6. Counsel emphasis that a revision petition preferred by respondent No.4 has been rejected by this Court vide order dated 23.05.2025, Annexure P-7. Counsel claims that the petitioner was falsely implicated in the criminal trial by private respondents No. 4 to 6 and suffered incarceration for 74 days for no fault of hers. Petitioner, who is a daughter of Assistant Sub-Inspector and has two unmarried siblings has suffered a loss of reputation and a stigma has been caused on the family. Claiming damages for illegal confinement, she has filed the instant petition.

3. I have heard counsel for the petitioner and considered his submissions besides examining the documents appended with the paper book.

4. Petitioner is claiming damages for malicious prosecution on the ground that she was falsely implicated in a criminal trial, even though she was blemishless. Whether the prosecution of the petitioner was malicious, has to be decided on the basis of evidence to be led by her. In every case where a person is found to be innocent after investigation, it cannot be said that he/she was maliciously prosecuted. While adjudicating the question of compensation, a Court is required to record a



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finding of fact, which is not possible in a writ jurisdiction. Petitioner was taken in custody at the stage of investigation and after she was found innocent, she was released on bail. Application to summon her as an additional accused has been rejected. The detention of the petitioner was therefore, in accordance with the procedure established by law and the same cannot, by any stretch of imagination, be said to be illegal or unlawful. Moreover, the trial is still pending and is at the stage of leading of evidence by the prosecution. In the above backdrop, remedy available to the petitioner is not of invoking the extraordinary writ jurisdiction of this Court but of filing a civil suit for damages before a competent Court. In view of the above, this Court refrains from entertaining the instant petition.

5. Writ petition is dismissed with liberty to the petitioner to approach the competent Court of law.

23.07.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>