



CRM-M-56272-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
130 CRM-M-56272-2024
Decided on: 01.04.2025

Atinder Singh Kaushal and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Inderpal Singh Parmar, Advocate for the petitioners.

Mr. Amandeep Singh DAG, Punjab.
(appeared on advance notice)

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 528 of BNSS, 2023, seeking issuance of necessary directions to official respondents No. 1 to 5 not to harass the petitioners by holding multiple inquiries on the applications/complaints made by respondents No. 6 and 7.

2. *On 30.01.2025, following order was passed:*

*“Present:Mr. Inderpal Singh Parmar, Advocate,
for the petitioners.*

Mr. Amandeep Singh, DAG, Punjab. -.-

1. *On the previous date of hearing i.e. 13.11.2024,
following order was passed:-*

*“Let status report in regard to the inquiry which was
conducted earlier and the present pending inquiry be filed
on the next date of hearing.*

*However, it is noticed from the record that the allegation
of dowry demand leading to cruelty and criminal breach
of trust arises out of matrimonial dispute which lies in the
foundation of the discord between rival parties.*

*It is also informed that both petitioner No. 1 (husband)
and respondent No. 6 (wife) are presently residing in
Canada and a divorce petition has been filed by the latter
in District Mansa for seeking divorce against her
husband.*



Among the four petitioners herein, petitioner No. 1 is the husband, while petitioners No. 2 and 3 are the parents-in-law and petitioner No. 4 is the sister-in-law of respondent No. 6.

From the aforesaid, it appears that the matrimonial discord exists between the rival parties since May, 2023 and, therefore, the same deserves to be resolved by way of mediation.

The matter is, thus, referred to Permanent Lok Adalat, where the Mediator will be at liberty to use virtual platform to connect with all the concerned parties and resolve the dispute as far as possible and submit a report in that regard within a period of sixty days.

List on 30.01.2025.”

2. *Ms. Kamaldeep Kaur, puts in appearance on behalf of respondent No.7, and files his power of attorney in Court today, which is taken on record.*

3. *Learned State counsel has filed status report on behalf of respondent Nos.1, 3, 4 and 5, and the same is taken on record.*

4. *While going through the contents of the present petition and as pointed out by counsel for the petitioners, this Court is apprised that petitioner No.1 and respondent No.6 performed their ring ceremony on 04.07.2021, while residing in Canada. Thereafter, both of them reached India on 07.10.2021, and performed marriage on 08.11.2021, and after a month i.e. on 08.12.2021, both of them went back to Canada. Since then, none of them have visited India.*

Allegedly, some dispute arose between petitioner No.1 and respondent No.6, while residing in Canada, one complaint was moved by respondent No.6 to the Canadian police, and thereafter, an e-mail was forwarded to Police authorities Punjab, in the year 2023.

5. *It appears that both of them joined hands to create litigation instead of resolving the issues.*

6. *It is noticed that matter has already been referred to the Permanent Lok Adalat, vide order dated 13.11.2024, where, in fact, no proceeding could take place, because none of the petitioners appeared.*



7. *Though, earlier the matter was referred to the Permanent Lok Adalat, today, counsel for the petitioners and respondent No.7 expressed their inclination to refer the dispute for amicable resolution to Mediation and Conciliation Centre of this Court.*

8. *Let this be the first attempt before the Mediation and Conciliation Centre of this Court, to resolve the dispute. Parties who are already residing in India, shall appear as first attempt before the Mediation and Conciliation Centre of this Court, on 17.02.2025.*

9. *However, it would be expected that some experienced Mediator would be appointed for attaining the object.*

10. *List on 01.04.2025, awaiting report.”*

3. In pursuance of the order dated 30.01.2025, the report from Mediator has been received as an unsettled case.

4. There seems to be no concept/procedure of holding multiple inquiries by the police in the Criminal Procedure Code or the BNSS, 2023, like by the Tribunals or the Commissions on the basis of private complaints made by the interested parties; and that too without registration of criminal case or Rojnamcha. This has been reminded number of times by issuing necessary directions at different occasions by this Court. Due to this practice adopted by the Punjab Police, this Court has witnessed the pendency of thousands of direction petitions, which infact have originated due to the entertaining of unwarranted complaints, without following the procedure prescribed under the law i.e. Criminal Procedure Code (Cr.P.C.) or Bharatiya Nagarik Suraksha Sanhita (BNSS, 2023).

On account of non-decision by the Police or if there is any decision against the respondents, in such like complaints, the concerned aggrieved persons have been approaching this Court by filing the petitions under Article 226 of the Constitution of India or under Section 482 Cr.P.C./

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Section 528 of BNSS without realising the after effects, if any directions are issued to the police authorities in routine to decide the representations having been addressed to it by “a party”. It would give unbridled power into the hands of the police officials even beyond the scope of BNSS/Cr.P.C. or any other law of the land.

5. Not only this, serious view is required to be taken because in many of the cases where the cognizable offences have been committed and the bail applications have been dismissed concerned police official/Investigating officer has not proceeded to arrest the accused persons and then again, a different set of petitions have been filed by the aggrieved party for transfer of the Investigation to some other agency. Even, the instances are there when the cases for cognizable offences were registered 4/5/6 years back.

The broader impression drawn by this Court is that either the concerned police officials in the State of Punjab are inactive or insensitive or over active because their functioning is less guided by procedure prescribed for criminal law.

Taking instance of the present case, this Court finds that there being no such concept/procedure of calling the parties to the police Station without there being any such registration of case(s) and therefore, no citizen can be harassed for unnecessary reason by asking their presence under the pretext of holding multiple inquiries.

6. In the present case, it has already been noticed by the Court that the dispute is matrimonial in nature and despite staying together only for a period of one month and by sitting at Canada respondent No. 6 moving the applications one after the other. For no reason, the agencies of the Country and the Courts are burdened and made busy by such kind of litigants and therefore, they are required to be handled strictly. Moreover, for such a

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litigant/complainant, it should be imperative to pay costs to the nation, adding advantage to the economy of the country by depositing, the amount in advance, if their complaints are found to be false. Rather, the undertaking should be given that they would be ready to face the consequences for making false/baseless complaints before such police authorities or the Courts.

7. Be that as it may, the agencies are not required to adhere to unnecessary complaints and then to bother the people by calling them time and again to the Police Station without there being any such power with them.

Therefore, the official respondents are advised and directed to notice the observations made hereabove, and if it is found that unnecessary harassment is caused to the petitioners or to any other person, the consequences under law would follow.

8. With the aforementioned observations, Present petition is disposed of.

9. As a matter of caution, it is also apprised that someday, some time the ice would break and the Courts would be compelled to haul up somebody irrespective of his/her post of designation under the law of contempt as the directions not to proceed against law and as have already been issued several times by the Court.

10. **A copy of this order be forwarded to The Secretary, Department of Home, Punjab and the Director General of Police, Punjab; to look into the observations and then to sensitize the investigating agencies of the State, in accordance with law.**

(SANJAY VASHISTH)
JUDGE

April 01, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**