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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRWP-5462-2025 (O&M)
Date of decision: 27.04.2026

Harmandeep Kaur and another**...Petitioners****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Tanvir Joshi, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuing a direction in the nature of writ of mandamus to respondents No. 2 to 5 to protect the life, liberty and property of the petitioners at the hands of respondents No. 7 and 8 and also to transfer the investigation of FIR No. 67 dated 02.05.2025, registered under Section 109, 351(2), 62 and 3(5) of BNS (Sections 109 and 62 of BNS deleted and Sections 296 and 281 of BNS added later on) at Police Station City Malout, District Sri Muktsar Sahib, to State Crime Branch for conducting a fair investigation.

2. Learned counsel for the petitioners has submitted that the marriage between petitioner No.1 and respondent No.7 was solemnized in the year 2013 and a minor child was born out of the said wedlock. However, due to continuous interference and harassment by respondent No.8 (mother-in-

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law), matrimonial discord arose, ultimately leading to separation. It is submitted that respondent No.7, thereafter, wilfully neglected the petitioners and failed to maintain them, compelling petitioner No.1 to initiate maintenance proceedings before the competent Family Court. It is further argued that, as a counterblast to the said maintenance proceedings, respondents No.7 and 8, in connivance with others, got registered the aforementioned FIR on false allegations against petitioner No.1 with an oblique motive to pressurize her to withdraw the maintenance case. Even during investigation, material alterations in the invoked provisions were made, which itself reflects the falsity and doubtful nature of the allegations.

3. It is further argued by learned counsel for the petitioners that a bare perusal of the FIR and the subsequent investigation would show that no prima facie case is made out against petitioner No.1 and the criminal machinery has been misused for extraneous considerations. It is further submitted that the local police officials have acted in collusion with the private respondents and have been harassing the petitioner, even going to the extent of pressurizing her to dissolve the marriage, failing which threats of further false implication have been extended. The petitioners are under constant threat to their life and liberty at the hands of the private respondents, who are allegedly attempting to usurp the ancestral property of petitioner No.1. Particular concern is expressed regarding petitioner No.2, a minor child, whose safety and education are being adversely affected due to the prevailing circumstances. It is also argued that despite approaching the higher police

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authorities by way of a written representation seeking protection and fair investigation by an independent agency, no effective action has been taken till date. In these circumstances, counsel submits that the intervention of this Court is necessary to ensure protection of the petitioners' fundamental rights and to secure a fair and impartial investigation.

4. Upon notice, reply has been filed by the respondent-State. Learned State counsel, in terms of reply, has submitted that on the direction of the DIG, Faridkot Range, the investigation in the aforementioned FIR was already transferred to the Superintendent of Police (HQ.), Moga. The petitioners have moved a complaint against respondents No. 7 and 8 alleging threat to their life and liberty at their hands. A detailed inquiry was conducted on the said complaint, wherein petitioners could not submit any witness or proof in support of their allegations. Hence, the said complaint was consigned to record room as no threat was found to the life and liberty of the petitioners. The petitioners, who are accused in the aforementioned FIR, are trying to exert pressure upon the police officials by levelling false allegations and seeking transfer of the investigation, though there is nothing on record to show that the investigation of the case is not being carried out in a fair and impartial manner. It is, therefore, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The primary grievance of the petitioners pertains to alleged false implication, threats being extended to them by respondents No. 7 and 8 and a

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prayer for transfer of investigation. However, it is not in dispute that the investigation already stands transferred to a senior officer, i.e. the Superintendent of Police (HQ.), Moga, pursuant to directions of the DIG, Faridkot Range, which itself addresses the apprehension of bias at the local level. No cogent material has been placed on record to demonstrate that the investigation is being conducted in a manner so unfair or tainted as to warrant further transfer to another agency. As regards the plea of threat to life and liberty, the complaints filed by the petitioners in this regard were duly inquired into by the competent authorities and finding no substance, the same were filed/consigned. Mere bald assertions, unsupported by any credible evidence, cannot be made the basis for issuance of a writ of mandamus. The dispute between the parties appears to have arisen out of matrimonial discord, for which appropriate remedies are already being availed before the competent forum. Since no convincing material has been placed on record by the petitioners in support of their claims, this Court finds no reason to exercise its inherent jurisdiction. Accordingly, the present petition is dismissed.

27.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No