

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.36242 of 2015
Date of decision:-01.12.2015

Afsana

.....Petitioner

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mohd. Salim, Advocate, for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate,
for respondents No. 4 to 8.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C for issuance of directions to respondents No. 1 to 3 to protect the life and liberty of the petitioner and her family members at the hands of respondents No. 4 & 8.

Learned counsel for the petitioner submits that the petitioner was married to respondent No. 4 in the year 2001 and two children were born out of the said wedlock. Respondent No. 4 was having two wives at the same time and the petitioner was ill treated and humiliated by him. A divorce took place between the petitioner and respondent No. 4 in the year 2003. Thereafter, the petitioner performed second marriage with one Mubarak, who is now behind the bars. The petitioner is now residing with earlier wife of Mubarak. The husband of the petitioner was roped in a false case and he is in custody for the last many months. Learned counsel further submits that the petitioner is being harassed by the private respondents in connivance with the police.

In response to notice of motion, reply has been filed on behalf of respondents No. 1 to 4, which is on record. Learned State counsel submits that inquiry was conducted and statements of private respondents were recorded wherein it was found that no threat was ever given to the petitioner. It has also been mentioned therein that private respondents will neither create any problem nor give any threat to the petitioner.

Learned counsel appearing for respondents No. 4 to 8 submits that Mubarak was behind the bars at the time of filing this petition but now he has come out from custody and thus the present petition has become infructuous. He further submits that neither any threat was ever given to the petitioner by the private respondents nor they intend to give any threat in the near future.

Heard arguments of learned counsel for the petitioner and have also perused the documents available on the file as well as the reply filed by the State.

As per the statement recorded by the private respondents neither they have given any threat in the past nor they intend to give any threat in the future and subsequent to filing of the present petition, no complaint was made to the police. Moreover, husband of the petitioner has come out of the jail and it cannot be said that just because he is behind the bars, the petitioner is being harassed.

Accordingly, the present petition is disposed of with a direction that in case any threat is given in future, the petitioner is at liberty to make a complaint to the police and the police is also directed to consider the same in accordance with the law.

01.12.2015

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**(DAYA CHAUDHARY)
JUDGE**