

Crl. Misc. No. M-8333 of 2015

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

Crl. Misc. No. M-8333 of 2015

Date of decision: 30.04.2015

Nirmaljeet Kaur and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - None for the petitioners.

Mr. S.S. Chandumajra, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Instant petition under Section 482 of the Code of Criminal Procedure has been filed seeking protection of life and liberty of the petitioners from respondents No.4 to 7.

On 13.03.2015 following order was passed by this Court: -

“Instant petition under Section 482 of the Code of Criminal Procedure has been filed seeking protection of life and liberty of the petitioners from respondents No.4 to 7. The petitioners assert that they are major and as there is no legal impediment, they have got married. They have already moved application dated 11.03.2015 (Annexure P-5) to respondent No.2 – Senior Superintendent of Police, Faridkot for protecting their life and liberty.

Learned counsel for the petitioners, after seeking instructions from petitioner No.2 states that in order to show his bonafide, petitioner No.2 will deposit ₹ 50,000/- in the form of FDR for two years in favour of petitioner No.1. Initially, petitioner

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No.2 will deposit a sum of ₹ 30,000/- in the form of FDR for two years in favour of petitioner No.1 within one week and thereafter ₹ 20,000/- within one month in the form of FDR. An affidavit of petitioner No.2 with regard to deposit of aforesaid amount has been filed in Court which is taken on record. Both the FDRs will be for two years and will not be encashed prematurely.

Notice of motion for 20.03.2015.

If the process fee is not deposited by the counsel for the petitioners, the Registry shall issue notice to the respondents at its own.

Respondent No.3 – Station House Officer, Police Station Kotakpura, District Faridkot, is directed to effect service upon private respondents No.4 to 7. However, the SHO will ensure that no inconvenience and embarrassment is caused to them and for that purpose, official going for service may preferably be in civil uniform.

In the meantime, petitioners shall not be arrested in this case. However, this will not prevent the concerned police authorities to proceed against the petitioners in accordance with law, if they are found involved in any other case.

It is made clear that this order is qua protection only and shall not be construed that the petitioners have contracted legal marriage. They have to prove legality of their marriage in appropriate proceedings.

The petitioners will also be at liberty to approach respondent No.2 – Senior Superintendent of Police, Faridkot, for protection as per instructions issued by the Home Department, Punjab in this regard. If required, petitioners will be provided adequate security.”

On 26.03.2015 following order was passed: -

“In pursuance of order dated 13.03.2015 petitioner No.2 has produced demand draft No.013453 dated 26.03.2015 in a sum

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of ₹ 20,000/- in favour of petitioner No.1, which is taken on record.

Registry is directed to keep the demand draft in safe custody.

Petitioner No.2 shall deposit the remaining amount of ₹ 30,000/- in favour of petitioner No.1 within one month from today.

Adjourned to 30.4.2015.

Interim order to continue.”

Learned State counsel, after seeking instructions from ASI Sukhdev Singh, present in Court, states that statements of parents of petitioner No.1 have been recorded wherein they have stated that they have no objection to the marriage by the petitioners.

Nobody has put in appearance on behalf of the petitioners nor the order dated 26.03.2015 has been complied with. In view of the statements of parents of petitioner No.1, the present petition is disposed of. Aggrieved person will be at liberty to move application against non-compliance of the order.

In view of above, order dated 13.03.2015 is made absolute.

(Paramjeet Singh)
Judge

April 30, 2015
R.S.