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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3484/2016 & CRL.M.A. 18929-18930/2016**

TABASSUM KHAN & ANR.

..... Petitioner

Through: Mr. M.I. Siddiqui and Manoj Kumar
Sharma, Adv.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Jamal Akhtar, Adv for Mr. Rahul
Mehra, Standing Counsel, GNCTD

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

05.12.2016

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The petitioners have preferred the present writ petition to seek a writ of mandamus to direct to respondent No.1 and 2 to take appropriate action against respondent No.3 and to protect the lives of petitioners and not to interfere in their peaceful life without due process of law. The petitioners claim that they are husband and wife. Respondent No.3 is also a wife of petitioner no.1. On a query by the court, learned counsel states that no divorce/ talaq has been obtained by petitioner no.2 from respondent No.3.

In these circumstances, since respondent No.3 is the legally wedded wife of petitioner no.2, the petitioner cannot seek to oust respondent No.3 from the lives of petitioner no.2 by obtaining an order of protection against

her. Respondent No.3 would be entitled to live with petitioner no.2 being his legally wedded wife. The police authority cannot get into their matrimonial home and provide protection round the clock inside the matrimonial home. The petition is, accordingly, dismissed.

VIPIN SANGHI, J

DECEMBER 05, 2016

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