

238.

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

CRM-M-37491-2017

Date of decision:15.11.2017.

ZOYA SHAH @ YACHNA RANI AND ANOTHER ... Petitioners

Versus

STATE OF HARYANA AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. H.K. Sandhu, Advocate, for
Ms.Kuljinder Kaur, Advocate,
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Kamal Chaudhary, Advocate,
for respondent No.5.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 and 5.

On the basis of documents Annexures P-1 and P-2, petitioners are claiming to be major and they performed their marriage on 25.09.2017. The allegation in the petition is that after the marriage, the petitioners are receiving threats from respondents No.4 and 5 as they (petitioners) have performed marriage against their wishes.

On 09.10.2017, this Court had passed the following order:-

“Mr. Nafees Ahmad Shah, father of petitioner No.2 is present in Court. Counsel for the petitioners, on his instructions, states that in order to give sense of security in the mind of the girl, he is ready to transfer a plot measuring 4 marlas situated in Purana Hamida, Khada Colony, Yamuna Nagar, which he purchased about three years back in the name of petitioner No.1. He shall also transfer one fourth share in the house in which he is residing in the name of petitioner No.1. The transfer of the plot and the share in the house shall be transferred in the name of petitioner No.1 – Zoya Shah @ Yachna Rani within one month. He has filed an affidavit in Court on support of above assertion.

On his request, adjourned to 15.11.2017.”

Learned counsel for the petitioners states that pursuant to aforesaid order, the father of petitioner No.2, namely, Nafees Ahmad Shah has transferred 1/4th share of house, which comes to 32 square yards in the name of Zoya Shah @ Yachna Rani vide sale deed No.7082, dated 07.11.2017, Book No.1, Jild No.770, Page No.104. Similarly, a plot measuring 100 square yards is also stated to have been transferred in the name of petitioner No.1 vide sale deed No.7083, dated 07.11.2017, Book No.1, Jild No.770, Page No.105.

It has been pointed out by learned counsel for respondent No.5 that in the sale deeds, the photograph of the mother of petitioner No.2, who is the wife of Nafees Ahmad Shah, has been affixed.

Having heard learned counsel for the parties and in the light of aforesaid facts, present petition is disposed of with a direction to respondent No.2-Superintendent of Police, Yamuna Nagar, District Yamuna Nagar, to ensure that no harm is caused to the life and liberty

of the petitioners at the hands of respondents No.4 and 5.

It is made clear that merely because the photograph of the mother of petitioner No.2 has been shown in the sale deeds, it shall not entitle her to claim any benefit from the aforesaid sale deeds and the property shall vest exclusively with petitioner No.1, namely, Zoya Shah @ Yachna Rani.

Learned counsel for the petitioners, on instructions from Nafees Ahmad Shah, states that the property so transferred in the name of petitioner No.1 shall not be transferred without the permission of the competent Court.

(HARI PAL VERMA)
JUDGE

15.11.2017
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No