

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

CRM-M No.4391 of 2017

Date of Decision: 14.02.2017

Asha and another

.....Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. R.D. Yadav, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(ORAL)

FIR No.28 dated 06.02.2014 was registered against petitioner No.2 for the offences under Sections 363, 366-A, 376 and 3/4 of POCSO Act in Police Station Beri, District Jhajjar. Petitioner No.2 was acquitted by the trial Court under Sections 366-A, 376 IPC, but was convicted under Section 363 IPC and sentenced to undergo rigorous imprisonment for 3 years vide judgment dated 07.02.2015. CRA-S No.760-SB of 2015 filed by petitioner No.2 is pending in this Court. Petitioner No.1 did not support the prosecution case before the trial Court and now after conviction and release of petitioner No.2 on bail, she has joined the company of petitioner No.2. Both are present in Court along with their counsel.

In this petition, petitioners have prayed for issuance of necessary directions to the official respondents to protect their lives and personal liberties from being invaded by the private

respondents. Petitioners claimed themselves to be major and have contacted marriage according to their own sweet will, but against the wishes of their family members. Photographs and marriage certificate are sought to be pressed into service in order to project validity of marriage.

In the context of threat perception at the hands of private respondents, petitioners have prayed for necessary directions for safeguarding their personal civil and legal rights. In the aforesaid context, petitioners have allegedly moved representation to Commissioner of Police, Gurugram.

Notice of motion to respondents No.1 to 4.

On the asking of the Court, Mr. Pradeep Prakash Chahar, DAG, Haryana accepts notice on behalf of State-respondents No.1 to 4.

At this juncture, this Court is not in a position to comment upon the validity of marriage and majority of the petitioners in terms of their respective ages, however, respondent No.3 can be asked to have a fair look on the grievance of the petitioners in order to ascertain veracity of allegations made by the petitioners. Respondent No.3 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. In case

respondent No.3 finds that there is some truth in the allegations of the petitioners, then he/she shall proceed to take appropriate action in accordance with law.

The aforesaid order is being passed at this stage without meaning anything on the merits of the case. Respondent No.3 would pass necessary order without being influenced by any observation made by the Court in terms of pleadings at this stage. This order shall not debar the official respondents from proceeding against any of the party in accordance with law in case they are involved in some other case. It would be appreciated if the representation filed by the petitioners is decided within a period of one month from today keeping in view the threat perception shown by the petitioners.

Disposed of.

14.02.2017

prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No