

Criminal Misc. M- No. 5896 of 2017 (O&M)

Date of decision : March 08, 2017

Kulwinder Kaur

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Goraya, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Notice of motion in this petition was issued to respondents No. 1 to 3 limited to the prayer for protection of life and liberty of the petitioner.

It is averred by the petitioner that marriage was solemnised by her with respondent No. 12 – Mandeep Singh on 21.01.2015. This marriage was registered on 09.02.2015 at Tehsil Guhla. It is submitted that the said marriage was in fact a sham marriage. As the petitioner's brothers wanted to go aboard, she got married to a Non Resident Indian for this purpose. The petitioner, however, did not accompany her husband to the matrimonial home and the marriage was not consummated. Respondent No. 12 is stated to have left for Spain. He returned after nearly two years and asked the petitioner's father to perform a social/religious ceremony of the marriage.

Respondent No. 12 said that it was necessary to show the videography/photographs before the Embassy. Documents for immigration, it was stated by respondent No. 12, could not be sent for this reason. Accordingly, religious ceremony was performed on 11.02.2017. Thereafter, it is averred that respondent No. 12 took the petitioner alongwith him with a promise to safely send her back after the movie of the ceremony was prepared. However, she was violated in an illegal manner by respondent No. 12. She escaped from her matrimonial home on 13.02.2017 but her parental family did not support her. They are on the contrary colluding with respondent No. 12.

In the present petition, apart from the prayer for protection of life and liberty of the petitioner, it is prayed that appropriate action should be taken against the private respondents particularly under Sections 376, 354, 420, 120B IPC.

As noticed earlier, notice of motion was issued, limited to the prayer for protection of life and liberty of the petitioner. Status report by way of an affidavit of Sh. Tarun Saini, HPS, Deputy Superintendent of Police (HQ), Kaithal has been filed in Court today with copy thereof to learned counsel for the petitioner. The same is taken on record, subject to just exceptions.

It is mentioned in para 7 of the said report that efforts were made to look for the petitioner and join her in the enquiry pursuant to issuance of notice by this Court. However, she was not found residing at the given address or in the area of District Kaithal. It is denied that any representation or complaint has been filed by the petitioner at

Police Station, Kaithal or in the office of Superintendent of Police, Kaithal.

However, the matter was enquired into, pursuant to issuance of notice by this Court. DSP, Guhla was directed on 21.02.2017 to enquire into the matter thoroughly and submit a report within three days as well as take legal action as may be required. It is further stated that statements of the family members of both the parties have been recorded. The family members of the petitioner and her in-laws have stated that they have no objection to the petitioner living wherever and with whomsoever she wishes to live. Report dated 02.03.2017 of DSP, Guhla is annexed along with the status report. It is specifically stated in the status report dated 07.03.2017 that as and when the petitioner seeks any kind of protection or has any apprehension qua her life or liberty and intimates the same to the police authorities, immediate action shall be taken and protection shall be provided to her as per law.

In view of the facts and circumstances as noted above, no further orders are called for in the present case. The petitioner is obviously at liberty to seek legal remedies as may be available to her in respect to her alleged sham marriage with respondent No. 12 – Mandeep Singh.

The petition is, accordingly, disposed of with a direction to respondent No. 2 that in case the petitioner approaches with an apprehension or threat to her life and liberty at the hands of the respondents No. 4 to 15, the matter shall be looked into immediately and necessary action if any/as may be required shall be taken.

March 08, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No