

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-13324 of 2018 (O&M)
Date of decision : 28.03.2018

Shamim and another

... Petitioners

Versus

Superintendent of Police, Hathin, District Palwal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Afzal Hussain, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for issuance of appropriate direction to official respondents to protect the life and liberty of the petitioners from the hands of private respondent i.e. respondent Nos.3 to 5 and not to harass or interfere in the married life of the petitioners.

Respondent No.3 Karim Khan has appeared in person. Ms. Manjeet Kaur, Advocate has filed memo of appearance on behalf of respondent No.4 and Mr. M.D.Khan, Advocate has filed power of attorney on behalf of respondent No.5 as well as copy of FIR registered against petitioner No.1. Same are taken on record.

It has been brought to the notice of this Court that both the petitioners have already married and having their living spouses and children. None of the petitioners had got divorced from their previous spouse.

Although, it is mentioned in para No.12 of the petition as under:-

“That petitioner-1 and 2 have already married, but when

petitioner no.2 solemnised her earlier marriage at that time she is minor and now she has statutory power to repudiate her earlier marriage. This is second marriage of both.”

It has been contended by the learned counsel for the petitioners that petitioner No.2-Rukmina was minor at the time of her first marriage but she never dissolved her first marriage.

The instant petition has been filed for issuance of directions to private respondents not to harass or interfere in the married life of the petitioners. No such direction can be issued. Apart from it, FIR under Section 366 IPC has been registered against petitioner No.1 and investigation is still pending.

Keeping in view the facts and circumstances of the case, the instant petition is abuse of process of law and the same is hereby dismissed.

However, as the petitioners are apprehending danger to their life and liberty, therefore, their life and liberty be protected only in the premises of this Court.

**(RAJ SHEKHAR ATTRI)
JUDGE**

28.03.2018
mamta-M

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No