

CRM-M-23468-2018

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

CRM-M-23468-2018

Date of Decision: 29.05.2018

Kavita and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tushar Gera, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

In this petition, the petitioners seek protection of their lives and liberty at the hands of respondent no. 4, who is stated to be the husband of petitioner no. 1, the allegation being that the said respondent used to beat up petitioner no. 1, due to which reason she has also filed a petition seeking divorce from him.

It is also stated in paragraph 5 of the petition that the petitioners are living together for the past 06-07 months but not as husband and wife, but only as friends.

Without making any comment whatsoever on the nature of the relationship between the petitioners, this being a petition only seeking protection of life and liberty, it is disposed of with a direction to respondent nos. 2 and 3, i.e. the Superintendent of Police, Fatehabad and the S.H.O. Police Station, Rural Fatehabad, respectively, to ensure that the lives of the petitioners are duly protected.

As regards liberty, it shall remain duly protected as per law, with any proceedings initiated as per law by respondent no. 4 to be taken to their logical conclusion.

It is to be noticed here that as regards the age of petitioner no. 1, a copy of her Secondary School Examination Certificate, issued by the Board of School Education, Haryana, has been annexed with the petition as Annexure P-1 (with what is contended to be the original, produced in Court). The certificate shows her date of birth to be 02.02.1997, thus making her more than 21 years of age.

As regards the age of petitioner no. 2, again a copy of his Secondary School Examination Certificate, issued by the Board of School Education, Haryana, has been annexed with the petition as Annexure P-2, showing his date of birth as 03.04.1990, thus making him more than 28 years of age.

On specific query to petitioner no. 1 by this Court as to whether she is staying with petitioner no. 2 of her own will, she has stated in the affirmative.

Obviously, therefore, as per the statement of petitioner no. 1 before this Court, she is an adult and has not been kidnapped or forcibly taken away by petitioner no. 2.

It is also to be noticed that if any proceedings are brought by respondent no. 4, alleging therein the commission of offences either under Sections 494 or 497 of the IPC, both the said offences are non-cognizable offences.

That fact will be borne in mind by respondents no. 2 and 3, in case of any criminal proceedings launched by respondent no. 4.

The petitioners would therefore appear before the Superintendent of Police, Fatehabad and produce a copy of this order before him/her.

Disposed of.

May 29, 2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes.