

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

**CRWP No. 5031 OF 2020 (O&M)
DATE OF DECISION : 20.07.2020**

Akram and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mazlish Khan, Advocate,
for the petitioners.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Saleem Ahmad, Advocate,
for respondent No.5.

(Presence marked through video conference).

ARUN MONGA, J.(ORAL)

The petitioners are seeking issuance of a writ in the nature of mandamus, directing the official respondents to protect the life and liberty of petitioners as they apprehend threat at the hands of private respondents No.5 to 20.

2. Learned counsel for the petitioners contends petitioner No.1 is 18 years old and petitioner No.2 is more than 19 years and they belong to same community. Both the petitioners ran away from the house. They were in live in relationship. On 03.06.2020, private respondents traced the petitioners and gave severe beatings to petitioner No.1 and poured acid on him and he was admitted in hospital. Thereafter, Police officials registered a case bearing FIR No.256 dated 04.06.2020 under Sections 323, 326, 365, 377, 506, 120-B IPC at Police Station Nuh, District Nuh against the private respondents.

3. He submits that respondents had also registered a case bearing FIR No.26 dated 04.06.2020 under Sections 363, 366, 376-D 506, 120-B IPC at Women Police Station Nuh, District Nuh. Now the above said FIR has been cancelled by the police on the statement made by petitioner No.2 under Section 164 Cr.P.C. He submits that petitioner No.2 was produced before Illaqa Magistrate on 15.06.2020 and 07.07.2020, respectively. When once again she made a statement in favour of petitioner No.1 even after having been sent to Nari Niketan, Karnal.

4. Petitioner No.1 along with his parents filed protection petition vide CRWP No.4140 of 2020 which was disposed of by this Court vide order dated 10.07.2020 (Annexure P-5) with a direction to the Incharge of Nari Niketan, Karnal to produce petitioner No.2-Aarfia before the Chief Judicial Magistrate, Karnal for recording her statement and release her as per her statement. He further contends that petitioners thereafter performed marriage on 14.07.2020 in Naya Gaon according to Muslim Rites and customs. He also submits that this was the second marriage of petitioner No.2 and she was given customary divorce by her husband from her previous marriage.

5. He submits that the petitioners are living in constant danger as they have every apprehension that private respondents will catch them and carry out their threats. The petitioners are, therefore, running here and there and unable to find any safe place to live in the absence of protection of their life and liberty.

6. In these circumstances, petitioner No.1 also submitted representation dated 14.07.2020 (Annexure P-4) to the Superintendent of Police, Nuh, District Nuh, Haryana, but the same has not been adverted. Hence, this petition.

7. Heard.

8. Without commenting on the merits of the petition and the averments contained therein, the writ petition is disposed of with an observation that respondent No.3-Superintendent of Police, Nuh, District Nuh, Haryana to whom representation dated 14.07.2020 (Annexure P-4) was submitted, would go through the contents of the representation along with the contents of writ petition, by treating the same as supplementary representation and ascertain/verify the threat perception of the petitioners. If deemed appropriate, necessary steps then would be taken to protect the life and liberty of the petitioners.

9. It is however made clear that this order shall not be construed, in any manner, as reflection on the legitimacy of the marriage between the petitioners.

10. With the aforesaid observations, the writ petition stands disposed of.

JULY 20, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No