

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5261-2020

Date of decision: 27.07.2020

Viro

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mohd. Salim, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Viro, stated to be aged 29 years, has filed the present petition *inter alia* with a prayer to direct respondents No.2 & 3 to protect life and liberty of the petitioner from the hands of respondents No.4 & 5 and not to harass the petitioner without any of her fault.

Notice of motion.

On asking of the Court, Mr. Amar Ashok Pathak, Addl. AG, Punjab, accepts notice on behalf of the State.

Learned counsel for the petitioner, based on the pleadings, submits that marriage/nikah of petitioner was solemnized with respondent No.4 namely Lal Hussain alias Laddu son of Faqir Hussain in the year 2004 as per Muslim Rites and Ceremonies. Three children aged about 11 years, 10 years & 07 years were born from wedlock. In Para-4 of the petition, it has been alleged that petitioner's husband i.e respondent No.4 was in illicit relationship with respondent No.5. It is then submitted that when petitioner opposed the said illicit relationship, respondent No.4 i.e. husband of the

petitioner, started beating, threatening and harassing her. On 07.06.2020, respondent No.4 (husband of the petitioner) after giving beatings to the petitioner, pronounced Triple Talaq (Talaq-Talaq-Talaq).

For the aforementioned grievance, learned counsel for the petitioner submits that a detailed representation dated 09.07.2020 (Annexure P-7), has been submitted to The Senior Superintendent of Police, Hoshiarpur (Punjab) (respondent No.2), but, since no action has been taken, the present petition has been filed. Learned counsel further submits that action of husband of the petitioner i.e. respondent No.4, in merely pronouncing Triple Talaq to cancel the marriage, is totally illegal in view of the judgment passed by the Hon'ble Supreme Court in the case of "*Shayara Bano vs. Union of India and others (Triple Talaq) (2017) 9 SCC 1*".

While refraining from making any expression as regards the veracity of the averments made in the petition, the petition is **disposed of** with a direction that in case, the petitioner approach the police authorities concerned, with above representation (Annexure P-7) with regard to her alleged threat perception, the same shall be got examined by The Senior Superintendent of Police, Hoshiarpur (Punjab) (respondent No.2), expeditiously in accordance with law and necessary steps as may be warranted under the facts and circumstances of the case, be taken thereupon forthwith.

A copy of this order be sent to The Senior Superintendent of Police, Hoshiarpur (Punjab) (respondent No.2), so as to enable him to do the needful expeditiously.

Criminal Writ Petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

27.07.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No