

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

**CRWP NO. 5948 OF 2020
DATE OF DECISION : 14.08.2020**

Swati Kaushik

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. I. P. S. Kohli, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J.(ORAL)

The petitioner is, inter alia, seeking issuance of a writ in the nature of mandamus, directing the official respondents to protect her life and liberty and restrain respondents No.3 to 6 from harassing her and interfering in her peaceful life.

2. Learned counsel for the petitioner pleads that petitioner is a physician and is currently serving as a Doctor in Indian Army. The marriage of petitioner was solemnized with respondent No.6 on 18.04.2017. Respondent No.6 is working in State Bank of India and is presently posted at Singapore. The family members of respondent No.6 allegedly started mistreating the petitioner from the very first day of marriage on account of bringing less dowry. Ultimately, both the petitioner and respondent No.6 decided to part ways. Consequently, they preferred petition under Section 13-B of Hindu Marriage Act before the Courts at Dwaraka, Delhi. The statement of first motion was recorded on 26.09.2019. However, the parents of respondent No.6 i.e respondents No.3 and 4 do not approve the decision of seeking mutual

consent divorce and as such pressurizing the petitioner to withdraw the said joint divorce petition.

3. In these circumstances, the petitioner sent legal notice dated 22.07.2020 (Annexure P-1) to respondents No.3 and 4 and another legal notice dated 22.07.2020 (Annexure P-2) to respondent No.6. Fearing threat from respondents no.3-4, she also submitted representation dated 28.07.2020 (Annexure P-4) to respondent No.2, but the same has not been adverted till date. Hence, this petition.

4. Heard.

5. Without commenting on the merits of the petition and the allegations levelled against the private respondents, this Court is of the view that in case the threat perception is genuine then the petitioner is entitled to protection of her life and liberty, as envisaged under Article 21 of the Constitution of India.

6. In the premise, without commenting on the merits of the case, the writ petition is disposed of with an observation that respondent No.2- Commissioner of Police, Ludhiana, to whom representation Annexure P-4 was submitted, would go through the contents of the representation along with the contents of present writ petition, by treating the same as supplementary representation and ascertain/verify the threat perception of the petitioner, if any. If deemed appropriate, necessary steps then would be taken to protect the life and liberty of the petitioner.

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

(ARUN MONGA)
JUDGE

AUGUST 14, 2020
Shalini

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No