

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

**CRWP-7019-2020 (O&M)
Date of Decision: 10.09.2020**

Kaafi @ Cafi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Gehlawat, Advocate and
Ms. Amandeep Kaur, Advocate,
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. K. L. Saini, Advocate,
for respondents No.4 and 5.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition under Article 226 of Constitution of India, seeking issuance of a writ in the nature of mandamus directing the official respondents to protect her life and liberty from respondents No.4 to 9.

2. Learned counsel for the petitioner contends that petitioner is major as borne out from the copy of Adhar Card contained at Annexure P-1. He further contends that father of petitioner i.e respondent No.4 solemnized his first marriage with Guddi and out of the said wedlock, one son namely Shamsher @ Mindu (respondent no.6 herein) was born. After the death of Guddi, her father performed second marriage with Manju (respondent No.5 herein) and out of the said wedlock, five children, including the petitioner, were born. In all, they are two brothers and four sisters. Her step brother Shamesher @ Mindu, who is unmarried, also stays with them. Respondent No.6 tried to outrage the modesty of petitioner. He has also allegedly committed rape upon the younger sister of the petitioner namely Sunita @ Chhoti. When the

petitioner told this fact to her mother, she instead of supporting her, told her to keep quite.

3. Learned counsel submits that on 09.07.2020, petitioner left the house out of her free will and contacted one Sandeep who is from her village and asked for help. Later on, she came to know that private respondents have got one FIR bearing No.149 dated 10.07.2020 registered under Section 346 IPC at Police Station Bass, District Hisar (Hansi). He further submits that the allegations levelled in the aforesaid FIR are false as said Sandeep has not allured her and she has left the house on her own and now she wants to live with said Sandeep.

4. In these circumstances, representation dated 03.09.2020 (Annexure P-2) was sent to the Commissioner of Police, Hisar, but no action has been taken thereon till date. Hence, the petition.

5. Without commenting on the merits of the petition and/or legitimacy of petitioner's relationship with above said Sandeep, given that serious allegations have been made and keeping in view the afore stated peculiar circumstances, the writ petition is disposed of with a direction to respondent No.2- Commissioner of Police, Hisar, to whom representation Annexure P-2 has been submitted, to go through its contents 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 deemed appropriate, necessary steps then would be taken to protect the life and liberty of the petitioner.

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

(ARUN MONGA)
JUDGE

SEPTEMBER 10, 2020
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Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No