

CRWP No.7721 of 2020

Date of Decision : 28.09.2020

Shiwani Mandhan and another

...Petitioners

Versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Navneet Singh, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the Criminal Writ Petition under Article 226 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 8.

3. Learned counsel contends that the petitioners are more than 18 years of age as date of birth of petitioner No.1 as per Aadhaar Card (Annexure P- 1) is 19.01.1996, whereas date of birth of petitioner No.2 as per Aadhaar Card (Annexure P- P-2) is 04.03.2000, that petitioner No.1 was earlier married to one Aakash but on account of irretrievable differences with her spouse Aakash, she left her matrimonial home and thereafter on account of mutual liking, the petitioners are staying together, though against the wishes of respondent Nos. 4 to 8, who are threatening them with harm to their life and liberty. Learned Counsel contends that despite representation (Annexure P-4) dated 23.09.2020 submitted by the petitioners to respondent No.2, no protection of has been provided to them, therefore, the present petition.

4. Learned counsel contends that the petitioners would be satisfied,

if the writ petition is disposed of by directing respondent No.2 to consider and decide representation (Annexure P-4) dated 23.09.2020 and to provide protection to the life and liberty of the petitioners.

5. Notice to respondent No.2 only.

6. Mr. B.S. Virk, DAG, Haryana, accepts notice on behalf of respondent No.2 and states that he has no objection to the limited prayer made by learned counsel for the petitioners.

7. Accordingly, without commenting upon the validity of the relationship of the petitioners or the documents attached to the writ petition, the CrI. writ petition is ***disposed of*** by directing respondent No.2 to consider and decide representation (Annexure P-4) dated 23.09.2020, in accordance with law, after taking into account all aspects of the matter, as expeditiously as possible and take such action in the matter as may be warranted in the facts and circumstances of the case including providing protection to the life and liberty of the petitioners on assessment of the threat perception to the petitioners at the hands of respondent Nos.4 to 8. Needless to mention, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

8. Copy of this order be sent to respondent No. 2 i.e. Superintendent of Police, Kurukshetra to enable appropriate action to be taken in the matter in accordance with law forthwith.

(B.S. Walia)
Judge

September 28, 2020

'Rajneesh-Amit'

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