

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

(PROCEEDINGS THROUGH V.C.)

205

**CRWP-3899-2021 (O&M)
Date of Decision : 29.10.2021**

Hamid and anotherPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Ms. Meenakshi Singh, Advocate
for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana
for respondents No.1 to 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect the life and liberty of the petitioners from danger at the hands of respondents No.4 to 12 as they have solemnized marriage against the wishes of their parents.

Vide order dated 28.04.2021 passed by the Coordinate Bench of this Court. respondent No.2-Superintendent of Police, Nuh (Mewat) was directed to consider and decide representation dated 12.04.2021 (Annexure P-5) submitted by the petitioners in accordance with law expeditiously and take such action in respect thereto as may be warranted keeping in view the threat perception to the petitioners at the hands of respondents No.4 to 12.

In compliance of order dated 28.04.2021, reply by way of affidavit of Sh. Chander Pal, HPS, Deputy Superintendent of Police, Ferozepur Jhirka, District Nuh (Mewat) on behalf of respondents No.2 has been filed in the Registry which is taken on record. Para 2 and 3 of the said reply reads as under:-

“2. That in compliance of the aforesaid order, it is respectfully submitted that the detailed facts emanating from the present case are that after receiving the notice of the present petition, an enquiry has been conducted by the local police and SI Sita Ram visited village Sheikhpur, PS-Firojpur Jhirka and recorded the statements of the petitioners. It is further submitted that the petitioners have categorically stated that they have solemnized marriage as per Muslim rites and ceremonies and presently they are living as husband and wife. The petitioners have also specifically contended that presently they have no apprehending danger to their life and liberty from the private respondent no.4 to 12. However, the petitioner could not produce any valid proof of age as aadhar cards are not valid proof of age. The statements of the petitioner no.1 and petitioner no.2 are annexed as Annexure R-1 and R-2.

2. That it is also pertinent to mention here that SI Sitaram also visited the village, Milakhpur, PS-Ramgarh, District-Alwar (Rajasthan) and contacted the private respondents no.4 to 10 and 12 and the private respondents were joined in the enquiry proceedings. It is further relevant to mention here that SI Sitaram has also recorded the statements of private respondents mentioned above and they have categorically stated that the petitioner no.1 has kidnapped Jilsana (petitioner no.2) wrongly and illegally, therefore, FIR No.194 dated 11.04.2021, U/s 363/366 IPC has been got registered in police station, Ramgarh against the petitioner no.1. The statement of respondent no.4 recorded by local police is annexed as Annexure R-3. The remaining respondents have also deposed on the same terms and they have stated in their statements that they will not create any problem or danger for the life and liberty of the petitioners. However, respondent no.11 was not found residing in village, Milakpur. However, the private respondent no.4 to 10 and 12 have specifically contended in their statements that they will not raise any problem and danger for the life and liberty of the petitioners. They have also contended that they will follow the rule of law.”

This factual position submitted in the reply is not disputed by learned Counsel for the petitioners who submits that now there is no apprehension of danger to the life and liberty of the petitioners.

In view of the above, no further action is required to be taken on the petition, which is disposed of accordingly.

However, the petitioners shall be at liberty to seek protection of their life and liberty in case of apprehension of any danger by them from respondents No.4 to 12.

29.10.2021
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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