

[120] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4196 of 2021
Date of Decision : 11.05.2021

Usha Devi ...Petitioner

Versus

State of Haryana & Ors.Respondents

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

Present : Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the Criminal Writ Petition under Articles 226/227 of the Constitution of India is for the issuance of appropriate directions to respondent Nos.2 and 3 to look into representation, Annexure P/4 dated 20.04.2021 submitted by petitioner Nos.1 and 3 and to protect the life and liberty of the petitioners at the hands of respondent Nos.4 and 5.
3. Learned counsel contends that petitioner No.1 is the wife of respondent No.4 while petitioner Nos.2 and 3 are husband and wife and that respondent No.5 is the friend of respondent No.4. Learned counsel contends that on account of respondent no.4 being addicted to consuming liquor along with his friend i.e. respondent No.5, petitioner No.1 used to be beaten up often by respondent Nos.4 and 5 after consuming liquor and that fed up with the physical torture, petitioner No. 1 who has two children out of the marriage with respondent No.4 i.e. daughter aged 10 years and a son, aged 5 years left her

matrimonial house and took shelter in the house of her friend and her husband i.e. petitioner Nos.3 and 2, who are supporting her financially as well as morally but respondent Nos.4 and 5 have extended threats to the petitioners on account of petitioner No.1 staying along with her two children at the house of petitioner Nos.2 and 3 and doing labour work to earn money for maintaining herself and her two minor children.

4. Learned counsel contends that petitioner Nos.1 and 3 had submitted representation, i.e. Annexure P/4 dated 20.04.2021 to respondent Nos.2 and 3 for protection of life and liberty of the petitioners at the hands of respondent Nos.4 and 5 who are threatening them with harm to their life and liberty, but till date no action has been taken on the representation i.e. Annexure P/4 and in the circumstances, the petitioners would be satisfied if the writ petition is disposed of by directing respondent No.2 to consider and decide the representation, Annexure P/4 dated 20.04.2021 in accordance with law and to provide protection to them at the hands of respondent No.4 and 5.

5. Notice of motion to respondent No.2 only.

6. Mr. Krishan K. Chahal, Addl. AG, Haryana, who is present, 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 merits of the controversy and in view of the statement of learned counsel for the petitioners, the criminal writ petition is disposed of by directing respondent No.2 i.e. Superintendent of Police, Kaithal to consider and decide representation, Annexure P/4 dated 20.04.2021, submitted by the petitioners in accordance with law as expeditiously as possible and take such action in respect thereto as may

be warranted keeping in view the threats to the petitioners at the hands of respondent Nos.4 and 5. However, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

11.05.2021

'Rajneesh/Amit'

(B.S. Walia)

Judge

Whether speaking/ reasoned

Whether reportable

:

Yes/No

Yes/No