

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

**CRWP No.10483 of 2020(O&M)
Date of Decision: 04.03.2021**

Rakhi Devi @ Rakhi and another

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Deepak K. Bartia, Advocate
for petitioner No.1

Mr.Sukhvinder Singh Nara, Advocate
for petitioner No.2.

Mr.Tapan Kumar Yadav, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Present criminal writ petition has been filed under Article 226 of the Constitution of India praying for issuance of directions to respondents No.1 to 3 for protection of life and liberty of the petitioners at the hands of respondents No.4 to 6, who are father, mother and brother of petitioner No.1 – Rakhi Devi, respectively.

It is stated in the petitioner that the date of birth of petitioner No.1 is 23.03.2002 and date of birth of petitioner No.2 is 21.10.1997. They solemnised marriage on 12.12.2020 as per Hindu Rites and rituals at Shree Aadhi Sakti Ved Pathsala at Mansa Devi Complex, Panchkula against the wishes of respondents No.4 to 6,. Aadhar cards of the petitioners are annexed as Annexures P-2 and P-3, respectively. Marriage certificate and

some photographs of the marriage are at Annexures P-4 and P-5 (colly).

Considering that the petitioners have solemnized marriage against the wishes of parents of the girl, this Court vide order dated 16.12.2020 on the willingness expressed by petitioner No.1 and respondents No.4 to 6 to meet each other, referred the matter to the Mediation and Conciliation Centre of this Court on 17.12.2020. Thereafter, when the matter came up for hearing on 18.12.2020, the report of the mediator was received, wherein it was stated that the meeting between the petitioner No.1 and respondents No.4 to 6 was held through video call on 17.12.2020. Petitioner No.1 talked with private respondents for couple of hours and thereafter she stated that she wishes to go with petitioner No.2. She further stated that she will meet her parents alongwith petitioner No.2 sometime in future. Since the petitioners had submitted representation dated 12.12.2020 (P-6) to respondent No.2 seeking protection of their lives and liberty at the hands of private respondents, the Superintendent of Police, Ambala was directed to look into the said representation and take action in accordance with law. The case was adjourned to 19.01.2021.

On 19.01.2020, status report on behalf of respondents No.1 to 3 was filed by way of affidavit of Anil Kumar, Deputy Superintendent of Police, Naraingarh, District Ambala, wherein it was stated that during inquiry on 23.12.2020, petitioner No.2 stated that he has no need of protection and if needed, he will inform accordingly. Thereafter, on 24.12.2020 at about 1:50 am, petitioner No.2 moved an application with the allegations that on 23.12.2020 at about 8:30 pm his wife-petitioner No.1 was

kidnapped by 4-5 persons after giving beatings to him. It was also alleged that 10-12 persons came to the house of his cousin sister at Fatehpur District Ambala, where he alongwith with wife Rakhi Devi was residing and all of them in connivance with each other forcibly took his wife with them. FIR No.397 dated 24.12.2020, under Sections 148, 149, 323, 457 and 365 IPC was registered at Police Station Naraingarh, Ambala. Thereafter, on 25.12.2020, petitioner No.1 was produced before Court of Area Magistrate for recording her statement under Section 164 Cr.P.C., wherein she stated that she had gone to Zirakpur alongwith her family members with her own wish and no force was used against her and nothing untoward happened with her and that she was residing with her parents .

Today petitioner No.1-Rakhi devi appeared in person through video conferencing with her mother respondent No.-5-Savita Rani. On query, she stated that she wants to live with her parents.

Without expressing any opinion on the marriage or age of the girl (petitioner No.1 - Rakhi Devi) and keeping in view her statement that she wants to live with her parents and that she has no threat to her life and liberty, the present petition has become infructuous.

Disposed of accordingly.

March 04, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No