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

CRWP-10818-2021
Date of decision : 17.11.2021

Saleema Khatun

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.2 and 3 to protect the life and liberty of the petitioner from the hands of respondent Nos.4 to 9.

Learned counsel for the petitioner has submitted that in the present case, although, the petitioner had filed a petition alongwith one Happy (respondent No.4 in the present petition) i.e. CRWP-9146-2021 which was decided on 23.09.2021 but thereafter the petitioner learnt that the said Happy alongwith respondent Nos.5 to 9 had hidden the fact that Happy was already married and has five children including four daughters and one

son, out of which one daughter is 17 years old. Accordingly, the petitioner had filed the second Criminal Writ Petition i.e. CRWP-10069-2021 as the said respondent No.4 had started troubling her in spite of the fact that the petitioner did not want to live with respondent Nos.4 to 9. In the said proceedings, respondent No.4-Happy had appeared and had made a statement to the effect that he undertakes that he would not in any way harass the petitioner. Relevant portion of order dated 29.10.2021 passed in CRWP-10069-2021 is reproduced hereinbelow:-

“This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus for directing respondents no.2 and 3 to protect the life and liberty of the petitioner from the hands of respondent no.4 for not harassing the petitioner.

Notice of motion was issued.

Today Mr.Deepak Arora, Advocate along with respondent no.4 Happy has put in appearance.

Learned counsel for respondent no.4, on instructions from Happy-respondent no.4 who is present in Court, has submitted that respondent no.4 would not harass the petitioner in any way and will not interfere in her life.

Respondent no.4 present in the Court has stated that he undertakes that he would not in any way harass the petitioner.

In view of the statement of respondent no.4 made in the Court, learned counsel for the petitioner states that the petitioner is satisfied and thus, the present petition be disposed of as infructuous.

In view of the abovesaid facts and circumstances, the present petition is disposed of as infructuous.”

It is submitted that even subsequent to the same, even on

02.11.2021 at about 7 pm, the abovesaid persons came to the house of the petitioner alongwith other persons and threatened the petitioner and her family members and asked the petitioner to join the matrimonial home of Happy.

Learned counsel for the petitioner has submitted that in this regard, representation dated 11.11.2021 (Annexure P-7) has been given by the petitioner to respondent No.2-Commissioner of Police, Jalandhar and she would be satisfied, in case, respondent No.2 is directed to consider the threat perceptions to the petitioner and take appropriate action in accordance with law in a time bound manner. He has further submitted that the averments made in para 2 of the said representation to the effect that accused persons had obtained signatures of the petitioner on blank papers under threat, coercion, fear and under influence of intoxicant substance, may be expunged from the said representation as the present grievance of the petitioner is with respect to the fact that in spite of the statement made by respondent No.4-Happy in the aforesaid order dated 29.10.2021, the said respondent No.4 and the other private respondents are still interfering in the life of the petitioner.

Notice of motion to respondent Nos.1 to 3 only.

On advance notice, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the State and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Commissioner of Police, Jalandhar, is directed to consider the threat perceptions to the petitioner and take appropriate action in accordance with law in a time bound manner.

Keeping in view the aforesaid facts and circumstances, the present Criminal Writ Petition is disposed of with direction to respondent No.2-Commissioner of Police, Jalandhar, to consider the representation dated 11.11.2021 (Annexure P-7), moreso the averments made in para 4 of the same and in case, it is found that respondent No.4-Happy and other private respondents are still interfering in the life of the petitioner and threatening the petitioner and her family members, then respondent No.2 shall take appropriate action in accordance with law.

The averments/allegations made in para 2 of the said representation stand expunged.

The necessary action be taken within two weeks from the date of receipt of certified copy of the present order.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation.

In view of what has been observed above, the present Criminal Writ petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any case.

17.11.2021
Pawan

(VIKAS BAHL)
JUDGE

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

Whether reportable:- **Yes/No**