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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2302-2021

Date of Decision: 18.04.2022

Meenu

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Bhatia, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure with a prayer for directing the respondents to protect the life and liberty of the petitioner in the hands of private respondent Nos. 4 to 6.

It has been submitted by the learned counsel for the petitioner that the petitioner is a widow having three minor children and the children are residing with her mother-in-law. He further submitted that although the present petition has been filed for the grant of protection of life and liberty but the petitioner may be permitted to meet her children as well and to get their custody.

On the other hand, Mr. Ranvir Singh Arya, learned Additional

Advocate General, Haryana has submitted that an additional affidavit has been filed by the Additional Superintendent of Police, Badli, District Jhajjar in which it has been stated that earlier an FIR was registered against the private respondents which was FIR No.7 dated 04.01.2021, under Sections 148, 149, 365, 323 and 506 IPC and the petitioner got recorded her statement on 10.01.2021 and the investigating agency had arrested all the four accused in the aforesaid FIR and that she is fully satisfied with the police proceedings and no further action is required. The learned Additional Advocate General further submitted that so far as the grant of protection and the custody of the children in the present case is concerned, the children are in the custody of her parents-in-law and they have not been impleaded as a party in the present case. Furthermore, the petitioner is rather residing with some other person and in case the petitioner has any grievance with regard to her right of custody of the children, then an appropriate proceedings can be initiated by her under the Guardians & Wards Act. He further submitted that so far as subject matter of the present case is concerned, the same pertains to prayer for grant of protection of life and liberty and the private respondents have already been arrested by the police and out of these three private respondents two are on anticipatory bail as per the learned counsel for the petitioner and they will be governed by the conditions of bail and as of now there is no threat to the petitioner in this regard. He further submitted that therefore no cause of action survives in the present petition.

I have heard the learned counsel for the petitioner.

The main thrust of the learned counsel for the petitioner while arguing the matter was that the petitioner may be permitted to get the custody of her children. However, the present petition pertains to grant of

protection of life and liberty. The petitioner instead of the invoking the alternate remedy available to the petitioner under the Guardians & Wards Act or any other appropriate legislation has filed the present petition for the purpose of grant of protection of life and liberty which according to the learned Additional Advocate General, the threat was not in existence.

Therefore, finding no merit in the present petition, the same is hereby dismissed.

18.04.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No