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

CRWP-6668-2022

Date of decision : 13.07.2022

Mamta Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Arora, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of directions to respondent Nos.2 and 3 to protect the life and liberty of the petitioner as respondent Nos.4 to 6 are unnecessarily interfering in the personal life and liberty of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has given a representation dated 06.07.2022 (Annexure P-2) to respondent No.2-Senior Superintendent of Police, with respect to protection of her life and liberty and in the said representation, she has stated that she was previously married with Kuldeep Singh-respondent No.4 and on account of maltreatment, she had left the matrimonial house and even filed a divorce

petition and had married one Vijay Kumar son of Swarn Dass who is serving in BSF and they are living happily but the said Kuldip and other private respondents are harassing the petitioner and are also threatening her which has caused reasonable apprehension in her mind with respect to her life and liberty. Reliance has been placed upon judgment of the Division Bench of this Court dated 03.09.2021 passed in ***LPA-769-2021*** titled as **“Ishrat Bano and another vs. State of Punjab and others”** to contend that even in case, the petitioner is not legally divorced, then also, she has right to live with a person of her own choice, moreso, when the petitioner is a major.

Learned counsel for the petitioner has further submitted that the petitioner would be satisfied in case, the present Criminal Writ Petition is disposed of with direction to respondent No.2-Senior Superintendent of Police, to look into the representation dated 06.07.2022 (Annexure P-2) only with respect to protection of life and liberty of the petitioner and to take appropriate action in accordance with law.

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

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of respondent Nos.1 to 3 only and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, looks into the representation dated 06.07.2022 (Annexure P-2) with a limited prayer for only protection of life and liberty of the petitioner and takes appropriate action in accordance with law.

This Court has heard the learned counsel for the parties and has perused the paper book.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.2-Senior Superintendent of Police, to look into the representation dated 06.07.2022 (Annexure P-2) with a limited prayer for only protection of life and liberty of the petitioner and after making necessary enquiries and assessing the threat perception to the petitioner, respondent No.2 shall take appropriate action in accordance with law.

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 with a limited prayer aforesaid.

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.

13.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No