

Through video conference

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

CRWP-7536-2020

Decided on: January 27, 2022

Monika

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing respondent Nos.1 to 3 to protect the life and liberty of the petitioner from the hands of respondent Nos.4 to 6 and for not harassing the petitioner.

On 23.09.2020, notice of motion was issued by this Court and the State had appeared on behalf of respondent Nos.1 to 3 and the matter was adjourned to 10.11.2020 for service of respondent Nos.4 to 6. On 10.11.2020, nobody appeared on behalf of the petitioner and therefore, the matter was adjourned and it was directed that learned counsel for the petitioner be informed by the next date of hearing. Thereafter, on 12.02.2021, again nobody appeared on behalf of the petitioner and again it was directed that learned counsel for the petitioner be informed about the

next date of hearing and again the matter was taken up on 24.09.2021 and nobody caused appearance on behalf of the petitioner again. The Registry was directed to inform the counsel for the petitioner with regard to the next date of hearing. Thereafter, on 23.11.2021, proxy counsel appeared on behalf of the petitioner and made a request for an adjournment and on his request, the matter was adjourned. Today, again nobody has caused appearance on behalf of the petitioner.

A perusal of the note given by the Registry would show that the learned counsel for the petitioner has been informed three times with regard to the hearing of the present case through e-mail and so far service of respondent Nos.4 to 6 is concerned, it could not be done because the counsel for the petitioner had not filed the process fee.

In the view of the aforesaid position, the matter is taken up for final hearing today even in the absence of learned counsel for the petitioner and on the basis of documents available on record as well as the submissions of the learned State counsel. A perusal of complaint submitted to SSP, Jalandhar (Annexure P-2) shows that petitioner is a graduate and presently she is residing in a rented accommodation. As per memo of parties it appears that the petitioner is daughter of aforesaid Nirmal Singh-respondent No.6. As per the aforesaid application, respondent No.6 along with his brothers (uncles of the petitioner) wanted to her marry with some boy, who is presently residing in Italy and she has been tried to be convinced forcibly and was given threat so that she would marry with a boy of their choice. Affidavit filed by the petitioner at page No.6 of the paper-book shows that she is 25 years of age and therefore, she is major.

Counsel for the State on instructions from ASI, Jagdish Raj

stated that the matter was enquired by the police and respondent Nos.4 to 6 have given statement to the police that they have not caused any threat to the petitioner and also would not cause any threat in future. The police was satisfied that there was no threat of life to the petitioner.

In view of the aforesaid facts and circumstances, no cause of action survives in the present case and therefore, the present petition is dismissed.

January 27, 2022

Parveen Kumar

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No