

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

CRWP No.7586 of 2022

Date of Decision: 09.08.2022

Aashish and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Jaswinder Rana, Advocate
for the petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, both the petitioners seek the indulgence of this Court for the issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect their lives and liberty as they apprehend threat to the same at the hands of respondents No. 4 to 6 because they (petitioners) are living in relationship. It has also been mentioned in this petition that a representation (Annexure P-3) has already been moved to respondent No.2, in this regard.

Mr. Apoorv Garg, learned Deputy Advocate General, Haryana, has appeared on behalf of respondents No.1 to 3 in this case in pursuance of the copies of the present petition having been sent to the respondent-State in advance and on the instructions from the SHO, Police Station Sector-10, Gurugram, he apprises the Court that a criminal case has

already been registered vide the FIR bearing No.254 dated 04.08.2022 at Police Station Sector-53, Gurugram, under Section 346 IPC, regarding petitioner No.2 having gone missing.

Heard.

Learned counsel for the petitioners restricts his prayer to the issuance of a direction to respondent No.2 to look into and take appropriate action on the said representation of the petitioners, i.e. Annexure P-3.

Learned State counsel has no objection for the same.

Keeping in view the intent of the fundamental right as enshrined in Article 21 of the Constitution of India which ensures the protection of life and liberty to the citizens as well as the afore-discussed limited prayer as made by learned counsel for the petitioners and without commenting or expressing any opinion on the legality and validity of the relationship between the petitioners, respondent No.2-Commissioner of Police, Gurugram, is hereby directed to look into the above-said representation (Annexure P-3) of the petitioners only to the extent so far as it pertains to their prayer for the protection of their lives and in case, they are found to be genuinely deserving the said protection, then to take appropriate action in accordance with law.

It is further clarified that this order shall not amount to be a hindrance/obstruction in the investigation of the above-said criminal case arising out of the said FIR and shall also not be construed to be a shield to the petitioners against any other action/proceedings already initiated or intended/contemplated to be initiated against them by any competent

authority/person in view of the afore-discussed facts and circumstances of the present matter and permissible under the relevant provisions of law.

This petition stands disposed of accordingly.

August 09, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*