

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRWP-1195-2023
Decided on : 12.04.2023

Sanjay Kumar and others

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab
assisted by ASI Rajpal Singh.

SANJAY VASHISTH, J. (Oral)

Present petition has been filed by the petitioners for seeking direction to respondent No.2 to consider the application dated 03.02.2023 (Annexure P-5), and to protect lives and liberty of the petitioners at the hands of respondents No.3 to 8, as son of petitioner No.1 namely Rohit Kumar, got married to daughter of respondent No.3 namely Arshdeep Kaur, against the wishes of private respondents i.e. her parents.

After hearing the petitioners on 08.02.2023, following order was passed:-

“ *By way of present petition filed under Article 226 of Constitution of India, petitioners are seeking direction to respondent No.2 to consider the application dated 03.02.2023 (Annexure P-5), and to protect lives and liberty of the petitioners at the hands of respondents No.3 to 8, as son of petitioner No.1 namely Rohit Kumar, got married with daughter of respondent No.3 namely Arshdeep Kaur, against the witnesses of private respondents i.e. her parents.*

Counsel for the petitioners submits that one Rohit

Kumar, who is son of petitioner No.1 (Sanjay Kumar), has performed marriage with Arshpreet Kaur (though counsel submits that her actual name is Arshdeep Kaur), who is daughter of respondents No.3 & 4 (i.e. Kuldeep Singh and Balwant Kaur). Said married couple filed a protection petition before the Court of Sessions at Ludhiana vide CNR No. PBLD010021902023 (Arshpreet Kaur-Rohit Kumar Vs. State of Punjab and Ors.). Accordingly, police authorities have been directed to look into the representation for the purpose of granting protection to the newly wedded couple.

Counsel for the petitioners further submits that against Rohit Kumar (i.e. son of petitioner No.1), FIR No.15, dated 24.01.2023, under Sections 363, 366(A) of IPC, has been registered at Police Station Sarabha Nagar, Ludhiana. IN fact, in the said FIR private respondents have shown Arshdeep Kaur to be minor of the age of 17 years, whereas, she is major.

Counsel for the petitioners argues that after registration of the aforesaid FIR, petitioners have nothing to do with their son, still, private respondents along with musclemen are coming to their residence, and are threatening with dire consequences.

Notice of motion.

On asking of the Court, Mr. Vinay Kumar Gupta, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 & 2 (State), and seeks time to file status report in the matter.

Let requisite copies of the complete paper book be supplied to learned State counsel during course of the day.

Adjourned to 24.02.2023.”

On 24.02.2023, there was no representation on behalf of the petitioners, however, learned State counsel was directed to file a fresh status report/reply about the apprehension expressed by the petitioners in the present petition.

Today, in compliance of order dated 24.02.2023 of this Court, fresh status report dated 10/12.04.2023, by way of affidavit of Assistant

Commissioner of Police, Ludhiana, on behalf of respondents No.1 and 2, has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Para No.3 of the said status report says as under:-

“3. That in compliance to the above noted order of this Hon’ble Court, it is respectfully submitted that ASI Rajpal Singh of P.P. Raghunath Enclave (P.S. Sarabha Nagar), Ludhiana was deputed to know the threat perception to the petitioners from the private respondents and enquiry on the Representation Annexure P-5 of petitioner no.1 was also entrusted to the said ASI in which petitioner no.1 had apprehended danger from the private respondents. Accordingly the said ASI conducted enquiry on the said Representation Annexure P-5 and Statement of petitioner no.1 was also recorded in which petitioner no.1 stated that his son Rohit had love affair with the daughter of petitioner no.3 and 4 and they performed love marriage with each other and therefore apprehending danger from the family members of the girl, petitioner no.1 moved the said Representation Annexure P-5 and also filed the present Writ Petition. Considering the apprehensions of the petitioners, the local police has already initiated peace keeping proceedings u/s 107/151, 107/150 Cr.P.C. against the private respondents. Petitioner no.1 further stated that now the petitioners have no danger from the private respondents and they are satisfied with the action taken by the police against the private respondents. Copy of the said

Statement of petitioner no.1 is annexed hereto as Annexure R-1/T.”

In view of the details given in the fresh status report and reproduced here-above, and especially when there is no representation on behalf of the petitioners to assist this Court, no purpose seems to be left for keeping the petition pending for indefinite period.

Besides this, as per office report notice upon private respondents could not be issued, for want of process fee.

In view of above, petition stands dismissed for non-prosecution.

(SANJAY VASHISTH)
JUDGE

April 12, 2023
J.Ram

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