

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

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**2023:PHHC:100919
CRM-M-12665-2012 (O&M).
Date of Decision: 02.08.2023.**

NAZMA

..Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.. Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana,
for respondents No.1 and 2.

Ms. Pooja Chopra, Advocate, (*Amicus Curiae*).

Mr. Salim Ahmed, Advocate, for the private respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition had been filed for seeing issuance of directions to respondent No.2 to protect the life and liberty of the petitioners at the hands of private respondents.

Learned State counsel informs that status report in the present case had been filed wherein it was reported that there was no threat to the petitioner and even she expressed the same. The relevant extract of the aforesaid status report reads as under:-

“1. That the detailed facts of the present case are that Arshad brother of the petitioner has filed a criminal complaint in court of Illaqa Magistrate alleging that he is from very poor family and on dated 22.01.2012 he and his mother, brother Aslam and

father were present at home and at around 8.00 PM in the evening accused No. 1 and 2 together with 10/12 outsiders entered in our house and accused Chaman and Mubin had desi katta in their hands and other accused persons holding lathi, dandas in their hands came and said that petitioner Nazma has escaped from our house, she might have come to you. So entrust her custody to us. However they replied that petitioner has not come to them, on saying this accused persons started beating them. Accused persons hit lathi blows and gave injuries to the complainant and his mother and all the accused gave beatings to his brother and his father. All these accused beat them mercilessly and fired gun shots from katta in air while going away they gave threat to kill them and said that they will recover petitioner Nazma from you and also gave threat that if they will register any complaint against them or get their medical examination conducted etc. then they will kill them. Thereafter complainant got registered complaint against the accused at Khori Chowki but they did not reach in the Govt. Hospital at Tauru due to fear of the accused and on 24.01.2012 they conducted the medical examination at CHC Tauru of the injuries given by the accused. It is also worth mentioning here that in his medical report two injuries have been shown. It is also pertinent to mention here that before this incident the accused have kidnapped petitioner Nazma by enticement about 5-6 months earlier and report was made to police in the police station Tauru and due to this reason the above accused keep enmity with them. It is also not out of place to mention here that the aforesaid incident has taken place in the area of P.S. Tauru The complainant prayed that the above altercation has taken place in the area of P.S Tauru. The complainant prayed that the above complaint be sent to the police station Tauru for registration of case against the accused and strict legal action

be taken against the accused. The above complaint was sent to police station Tauru U/S 156(3) Cr.P.C. from the court of Shri Mahesh Kumar JMIC Nuh which was received at the police station Tauru. On receipt of the complaint mentioned above the case has been registered in PS Tauru. It is also pertinent to mention here that further investigation has been made by the police. It is also pertinent to mention here that detailed investigation of the present case was conducted by the police and the present case was found false and fabricated. The respectable people of the village and area were joined investigation and they have specifically contended that no such incident took place as alleged. The petitioner Nazma and Mubin filed a joint petition before Session Judge, Gurgaon stating that they have solemnised marriage at their sweet will but the family members of Nazma are not happy with the marriage. They further requested for protection of their life and the Ld. Session Judge was pleased to allow their application for protection vide order dated 5.8.2011. The also got recorded rapat No. 35 dt. 1.9.11 that she has no threat from anywhere. However the petition was dismissed on 2.9.2011 on the request of the petitioners. That it is also pertinent to mention here that the petitioner also filed a criminal misc. petition No. M 12665 of 2012 (O&M) U/S 482 Cr.P.C. against Mubin S/o Rajjak, Farook S/o Kamrudin, Samaydan S/o Chote Khan, Chawan S/o Rajjak as well as against state of Haryana for providing protection to her life and property and the petitioner was directed to go to the authorities vide order dated 2.5.2012 also. It is also further worth mentioning here that Mubin S/o Tinna R/o Panchgawa filed a suit for restitution of conjugal rights against Najma W/o Mubin, Niwaja, Mamuna, Aslam & Arshad which was decreed by Sh. Bhandeep Kumar civil judge (JD) Nuh vide order dated 4.6.2012. Hence the cancellation report will be prepared and the same will be sent to the higher authorities.”

The present petition is accordingly disposed of as having been rendered infructuous.

Pending misc. applications, if any, shall also stand disposed of accordingly.

August 02, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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