

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRWP-4570-2023
Decided on : 31.05.2023

Shailja Sharma and another
Versus
State of Haryana and others
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Paras Jagga, Advocate for
Mr. Sukhbir Maandi, Advocate
for respondents No.4 to 6.

1. In the present protection petition, on 15.05.2023 following order was passed:

“Present: Mr. Bhupender Singh, Advocate for the petitioners.
Mr. Vikas Bhardwaj, AAG, Haryana.

1. On the previous date of hearing i.e. on 11.05.2023, following order was passed by this Court:

“Present: Mr. Bhupender Singh, Advocate
for the petitioner(s).

1. It is noticed by the court that petitioner No.1 – Shailja Sharma, and respondents No.4 to 6, who are parents and brother of petitioner No.1 – Shailja Sharma, are residents of Uttar Pradesh.

2. Mr. Vikas Bhardwaj, AAG, Haryana, is directed to verify the fact as to where both the petitioners are residing.

3. Adjourned to 15.05.2023”

2. Today, learned State counsel on instructions from ASI Dharmender, submits that as per the verification done by the police and the statement of father of petitioner No. 2, his son (Mayank, aged 27 years) has been visiting Panipat after the period of 3-4 days.

3. Learned counsel for the petitioners submits that both the petitioners are working in Delhi region and are in contact with each other for about a month and they are permanently residing at Panipat, therefore, present petition has been filed before this Court.

4. On advance notice, Mr. Sukhbir Maandi, Advocate, appears alongwith respondent No. 4- Arvind Kumar and respondent No. 5-Geeta Sharma, and filed his vakalatnama on behalf of respondents No. 4 to 6. Same is taken on record. Registry is directed to tag the same at appropriate place.

Counsel for respondents No. 4 to 6 submits that in fact, petitioner No. 1, who is daughter of respondents No. 4 and 5, has been allured or pressurized by petitioner No. 2 and petitioner No. 1 is working in the region of Gaziabad, therefore, contentions of her working in Delhi region is false. Counsel also points out that one missing report i.e. Missing Person Registration has already been lodged vide GD No. 039 dated 09.05.2023 at Police Station Crossing Republic, District Commissionerate Gaziabad (Rural), Uttar Pradesh and police of area of UP is searching out their daughter i.e. petitioner No. 1.

5. It is averred before this Court by the petitioners that they are working in Delhi Region and on police verification, it is found that petitioner No. 2 has been visiting his parental house in Panipat only ones after 3-4 days. **Thus, issue of jurisdiction would be primary one before this Court.**

Parties before this Court i.e. petitioners, State, respondents No. 4 to 6 are directed to file their respective detailed affidavits by explaining therein regarding education, working place and actual residence of petitioners in Delhi and as in Panipat.

6. Adjourned to 31.05.2023.

7. It will be open for petitioner No. 2 to join the proceedings where the

missing report is registered i.e. District Gaziabad or to file any petition/application in accordance with law, where the missing report is already registered. ”

2. Today, status report dated 30.05.2023, by way of affidavit of Satish Kumar, HPS, Deputy Superintendent of Police, City Panipat, on behalf of the respondents No.1 to 3, 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.

A copy thereof has been handed over to the counsel for the petitioners.

3. While referring to paragraphs No.2 & 3, learned State counsel on instructions from ASI Dharmender Singh, Police Station, City Panipat, submits that preliminary inquiry as already been conducted, & statements of both the petitioners have also been recorded.

From the said statement of both the petitioners, it is found that petitioner No.1 is resident of WZ-56, Plot No.110, Mangal Bazar, Vishnu Garden, Tilak Nagar, Delhi and petitioner No.2 who was earlier working as make up artist in Gaziabad, has studied B.Com and presently residing with petitioner No.2 at his address.

4. While referring to Paragraph No.3 of the Status report, learned State counsel points out that ASI Dharmender Singh on 15.05.2023 has recorded the statements of Arvind Kumar Gautam, Geeta Sharma and Mayank i.e. respondents No.4 to 6 respectively, who have voluntarily stated to the Police that they have no objection with this marriage that they will not threaten or pressurize to petitioners in any manner about this marriage.

5. However, learned Counsel for the petitioners could not satisfy this Court as to how jurisdiction of this Court is made out for issuance of any direction under Article 226 of the Constitution of India. Therefore, counsel for the petitioners seeks withdrawal of the present petition.

6. Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

May 31, 2023
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No