

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

352

CRWP-9085-2023 (O&M)
Date of decision: 15.11.2023

Nirmala and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Munish Kumar Garg, Advocate for the petitioners.

Mr. Gurbir S. Dhillon, AAG, Haryana.

VIKAS SURI, J. (Oral)

1. This is a petition under Article 226 of the Constitution of India for issuance of direction to respondent Nos.2 to 7 to protect life and liberty of the petitioners alleged to be threatened at the hands of the private respondents.

2. On 14.09.2023, this Court passed the following order:-

“This is a petition under Article 226 of the Constitution of India filed by the petitioners for issuance of directions to respondent Nos.2 to 7 for protecting their life and liberty threatened at the hands of the private respondents.

Petitioner No.1 claims to be about 29 years of age. It is pleaded that petitioner No.1 is married to respondent No.10. From the said marriage, petitioner No.1 has a minor daughter, aged about 05 years, who is residing with and being taken care of by respondent No.15 at Hisar. The petitioners developed liking for each other and have

known to each other since the year 2020. Petitioner No.1 was not happy in the matrimonial home and opted to start living in the company of petitioner No.2, who claims to be unmarried. Petitioner No.1 is stated to have left her matrimonial house on 05.09.2023, which is not to the liking of respondent Nos.8 to 15.

Learned counsel for the petitioners submits that a coordinate Bench of this Court vide judgment dated 18.5.2021, passed in **CRWP-4521-2021** titled ***Pardeep Singh and another versus State of Haryana and others***, has granted protection in a case where the petitioners were living in live-in relationship. He relies upon another order dated 2.11.2021, passed by a coordinate Bench in **CRWP-10411-2021** titled ***Amandeep Kaur and another versus State of Punjab and others***, wherein one of the parties was married and was living with another person other than her husband, this Court has granted protection to the petitioners.

Learned counsel for the petitioners submits that petitioners apprehend harm at the hands of the private respondents. Petitioner No. 1 has submitted a representation dated 07.09.2023 (Annexure P-6), seeking protection of petitioners' life and liberty to the Superintendent of Police, District Hisar, Haryana-respondent No. 3, but to no avail.

Notice of motion to respondent Nos.1 to 7 only at this stage.

Mr. Gurbir S. Dhillon, AAG, Haryana, puts in appearance on behalf of the official respondents-State and waives service.

At this stage, Mr. Sandeep Kumar Tada, Advocate appears on behalf of respondent No.10 and has filed his power of attorney, which is taken on record. Learned counsel for respondent No.10 submits that no threat has been meted out to the petitioners by the said respondent or by any of his family members and in particular respondent Nos.8 to 25. Apparently, petitioner No.1 walked out of matrimonial home peeved from minor differences, which is common in normal wear and tear of married life.

Respondent No.10 seeks grant of an opportunity to interact with petitioner No.1, to persuade her to not take any step in haste or under influence of petitioner No.2, which would be detrimental to the interest of all, particularly their minor child. He undertakes to let bygones be bygones and start life afresh.

Keeping in view the above noticed submissions, petitioner No.1 as well as respondent No.10 are directed to remain present in person in Court, on the next date.

In the meanwhile, the Senior Superintendent of Police, Hisar-respondent No.3, to consider the aforesaid representation dated 07.09.2023 (Annexure P-6) made by petitioner No.1 and in case there is any threat perception to the petitioners from the side of private respondents, to act in accordance with law and if need be, to provide them interim protection.

It is made clear that this order shall not be taken to validate the alleged relationship between the petitioners or protect them from legal action for violation of law, if any, committed by them.

List on 15.11.2023.”

3. Pursuant to the aforesaid order, petitioner No.1 is present in person whereas none puts in appearance on behalf of respondent No.10.

4. Learned counsel for the petitioners submits that there are no chances of reconciliation and respondent No.10 has already moved the Family Court, Sirsa by way of petition under Section 13 of the Hindu Marriage Act seeking dissolution of marriage by a decree of divorce and petitioner No.1 has also been summoned in that case for 09.01.2024. It is further submitted that in view of the same and threat perception having sublimated, the petitioners seek withdrawal of the present petition.

5. Learned State counsel submits that the State would have no

objection to the limited prayer of the petitioners seeking withdrawal of the petition being granted by this Court.

6. Keeping in view the categoric statement of learned counsel for the petitioners in the presence of petitioners present in person, no useful purpose would be served in continuation of the present petition.

7. Dismissed as withdrawn.

November 15, 2023
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(VIKAS SURI)
JUDGE

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