

CRWP-12226-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-12226-2023

Date of Decision : December 21, 2023

ARSHDEEP SINGH AND ANR.

-Petitioners

V/S

STATE OF HARYANA AND ORS.

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manoj K. Pundir, Advocate for
Mr. J.S. Grewal, Advocate for
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Dharmender, Advocate
for the respondents No.4 to 6.

KULDEEP TIWARI, J.

1. Through the instant petition, as cast under Article 226 of the Constitution of India, the petitioners seek issuance of directions upon the respondents No.1 to 3, to ensure protection of their lives and liberty at the hands of private respondents No.4 to 6.

2. The learned counsel for the petitioners states that since both the petitioners have attained the minimum age, as prescribed by statute, for solemnizing marriage, therefore, they have lawfully solemnized their first marriage, however, it has caused grievance to the respondents no.4 to 6. Such grievance of the respondents No.4 to 6 has made them apprehensive of danger to their lives and liberty and resultantly, it has constrained them to approach this Court, to seek protection of their lives and liberty.

3. This Court, on 19.12.2023, had passed the following order:-

“Through the instant petition, prayer is made for issuance of a mandamus upon the official respondents concerned to ensure the

protection to life and liberty of the petitioners as they feel apprehension at the hands of private respondents No.4 to 6.

It is submitted that both the petitioners are major and have not married earlier and both the petitioners with their own free consent, has solemnized their marriage.

At this stage, Mr. Dharmender, Advocate has caused appearance on behalf of respondents No.4 to 6. He submits that the private respondents have no intention to cause any harm to the life and liberty of the petitioners and their concern is only to ensure the well being of their daughter-petitioner No.2, who has just turned 18 years and, therefore, they just want to meet with her.

Be that as it may, both the petitioners as well as the parents of petitioner No.2, are directed to appear before the Mediation and Conciliation Centre of this Court on 21.12.2023 at 11.00 a.m. positively and thereupon, on the same day, the matter be sent to this Court for final disposal.

It is made clear that in case, petitioner No.2 does not cause appearance before the Mediation and Conciliation Centre of this Court, the instant petition will be dismissed ipso-facto without any further reference to this Court.

It is directed that in the meanwhile, the official respondent concerned shall ensure the protection of the life and liberty of the petitioners, in case there is any apprehension to their life and liberty.”

4. Today, a report is received from the Mediation and Conciliation Centre of this Court, perusal whereof, makes revelations that the petitioners and the private respondents No.4 to 6 have settled their dispute by way of amicable settlement, on the following terms and conditions:-

“(a) It has been agreed between the parties that the second party has accepted the marriage of the first party i.e. petitioners No.1 and 2 and the second party has no objection to the above-stated marriage, rather their concern is the well-being and harmonious relationships between them. They do not entertain any ill-will towards the first party, have no intention to cause any harm to their life and liberty.

(b) In the presence of all, petitioner No.1 takes moral as well as

legal responsibility towards his wife-petitioner No.2 and that he will make every endeavor to ensure that their married life is smooth and that all her reasonable wishes and needs would be taken care of.

(c) Further the petitioner No.1 undertakes that he will not get himself involved in any illegal activities prevented under NDPS Act. In case he is found to have indulged in any such illegal activity, appropriate action would be taken against him.

(d) The petitioner No.1 undertakes that on 25th December, 2023, petitioners No.1 and 2 will reach at the parental house of petitioner No.1 at Namdhari Mohalla, Ward No.15, Village Rania, Sirsa. On 27th December, 2023, the parties shall arrange a meeting with their elders and crease out their differences.

e) FIR No.740 dated 12.12.2023 registered at Police Station Rania, District Sirsa has been lodged at behest of father of petitioner No.2 against petitioner No.1. The petitioner No.1 shall file petition under section 482 of Cr.P.C, before the Hon'ble Punjab & Haryana High Court, Chandigarh for quashing of the aforesaid FIR. This petition would be filed in the month of January, 2024. Harpal Singh, father of petitioner No.2 undertakes that he shall remain bound to file the requisite affidavit paving the way for the quashing of the aforesaid FIR and its subsequent proceedings by the Hon'ble High Court.

(f) Both the parties have mutually agreed that any other case or complaint or application filed by any party before any Court of Law or before any Authority will be withdrawn by the respective party in view of the present Settlement/ Agreement.

(g) Both the parties further undertake not to initiate or institute any unwanted litigation against each other and their family members.”

5. The learned counsels representing the petitioners and private respondents have also affirmed the compromise between the parties. Therefore, since better sense has prevailed upon the parties, which has resulted in them compromising their dispute, therefore, no further direction is required to be made upon the official respondent(s).

6. However, at any given point of time in future, if the petitioners apprehend any threat to their lives and liberty, they are at liberty to

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approach the competent authority, through instituting an appropriate application, thereby seeking redressal of their grievance. Upon any such application being filed, the authority concerned shall pass appropriate order thereon, after ascertaining whether the alleged threat perception to the petitioners is genuine or is based upon assumptions and presumptions.

7. The instant petition is disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

December 21, 2023
devinder

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