

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CRWP No.1378 of 2024
Date of Decision: 27.02.2024

Mamta and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Bishnoi, Advocate, for
Mr. Suresh Nain, Advocate
for the petitioners.

Mr. G.S. Dhillon, AAG, Haryana.

Mr. S.P. Yadav, Advocate
for the private respondents.

SANDEEP MOUDGIL, J (ORAL)

The present criminal writ petition has been preferred seeking writ in the nature of mandamus to direct respondents No.2 and 3 to protect the lives and liberty of the petitioners at the hands of private respondents.

On the previous date of hearing i.e. 19.02.2024, the following order was passed:-

“The Punjab and Haryana High Court Bar Association has decided to abstain from work today i.e. 19.02.2024.

The present criminal writ petition has been preferred seeking writ in the nature of mandamus to direct respondents No.2 and 3 to protect the lives and liberty of the petitioners at the hands of private respondents.

The following relatives of petitioner No.1 are present in Court:

Rajbir (cousin brother),

*Shaitan Singh (maternal grandfather),
Data Ram (Mausa),
Santosh Devi (Mausi) and
Geeta Devi (Mausi)*

The have pleaded before this Court that they want to meet Mamta, petitioner No.1 once, who is alleged to have solemnized the marriage on 06.02.2024 at Shree Sanatan Vedic Vivah Mandal (Regd.), Ward No.17, Loharu Road, Charkhi Dadri with petitioner No.2, as is evident from the marriage certificate dated 06.02.2024 (Annexure P-4).

Learned counsel for the petitioner as well as Superintendent of Police, Mahendergarh are directed to produce both the petitioners in the Court on the next date of hearing.

Adjourned to 27.02.2024”.

In compliance of the previous order, status report has been produced in Court by learned State counsel, which is taken on record. The relevant portion of the same reads as under:-

“3. That on 13.02.2024, a mail was received in the O/o Superintendent of Police, Narnaul from the O/o Advocate General Haryana, Chandigarh for filing detail status report regarding threat perception to the petitioners at the hands of private respondents. Needful be done urgently by tomorrow 14.02.2024 and file report regarding the same. Besides, this Hon’ble High Court has passed the order dated 14.02.2024 in the present petition whereby the Superintendent of Police, Mahendergarh was directed to file a status report after thoroughly investigating the matter particularly with regard to the threat perception at the hands of private respondents i.e. respondents No.4 to 12, as alleged in the present petition. Thereafter, in compliance of the above mail, L/HC Bhawna was directed to verify the allegations levelled in present petition by the petitioners against respondents no. 4 to 12. During the

*enquiry/investigation, on 13.02.2024, the investigating officer reached at village Nimoth and made the contact with Rajbir son of Phoolaram i.e. respondent no.6 who is the cousin brother of petitioner no.1 and during interrogation he stated that his uncle Ramjilal died in a road accident in the year 2001, about one month after his death, a daughter was born to Ramjilal's wife Geeta, who was named Mamta, mother of Mamta had left Mamta when Mamta was about 4 years old and had remarried, Mamta was brought up by my father Rameshwar like his daughter. Now Mamta is about 22 years old, they had fixed Mamta's marriage with Kuldeep son of Sombir on 18/02/2024 in Obra (Shahraipur), Kuldeep worked in the army. On 06.02.2024, without any information to them, Mamta had gone away from home, they came to know that Deepak son of Ravinder, caste Yadav, resident of Rambas had abducted Mamta, so they had registered a case FIR 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari. He had not given any kind of threat to Mamta and he will not create any kind of danger and he will not give any kind of threat in future and he will not do any work to create any complaint **(True translated copy of statement of Rajbir i.e. respondent no.6 is enclosed herewith as Annexure R-1).***

4. *That thereafter, on the same day, the investigating officer made the contact with Bir Singh son of Phoolaram i.e. respondent no.7 who is the cousin brother of petitioner no.1. During interrogation, he stated that his uncle Ramjilal died in a road accident in the year 2001, about one month after his death, a daughter was born to Ramjilal's wife Geeta, who was named Mamta, mother of Mamta had left Mamta when Mamta was about 4 years old and had remarried, Mamta was brought up by his uncle Rameshwar like his daughter. Now Mamta is about 22 years old, they had fixed Mamta's marriage with Kuldeep son of Sombir on 18/02/2024 in Obra (Shahraipur), Kuldeep worked in the army. On 06.02.2024, without any information to them, Mamta had gone away from home, they came to know that Deepak son of Ravinder, caste Yadav,*

resident of Rambas had abducted Mamta, so they had registered a case FIR no. 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari. He neither given any kind of threat to Mamta and Deepak nor will create any kind of danger on his behalf and he will not give any kind of threat in future and he will not do any work to create any complaint (True translated copy of statement of Bir Singh i.e. respondent no. 7 is enclosed herewith as Annexure R-2).

5. *That thereafter, on the same day, the investigating officer made the contact with Ravinder son of Ramniwas i.e. respondent no.8 who is the neighbor of cousin brother of petitioner no.1. During interrogation, he stated that in their neighborhood, the marriage of Mamta daughter of Late Ramjilal caste Gurjar resident of Nimoth is fixed on 18.02.2024. He came to know that on 06.02.2024, Mamta has eloped with Ravinder's son Deepak resident of Rambas and in this regard Mamta's family members have registered a case FIR no. 23 dated 06.02.2024, under section 346 of IPC, Police Station, Khol, District, Rewari against Deepak son of Ravinder Yadav resident Rambas at Police Station, Sadar Kanina. He is just a neighbor, he has not threatened anyone in any way nor he know Deepak and he will not threaten anyone in future also (True translated copy of statement of Rvinder i.e. respondent no.8 is enclosed herewith as Annexure R-3).*

6. *That thereafter, on the same day, the investigating officer made the contact with Dharambir son of Chander Singh i.e. respondent no.9 who is the neighbor of cousin brother of petitioner no.1. During interrogation, he stated that he is retired from Delhi Police. In their neighborhood, Rameshwar son Parsaram, caste Gurjar, resident of Nimoth is residing with his family after constructed his house, who doing the business of iron Saria Cement. Rameshwar's brother Ramjilal was died in a accident in the year 2001. Mamta was brought up by Rameshwar like his daughter. The marriage of Mamta was fixed on 18/02/2024 and Rameshwar has brought the all marriage articles as per wish of Mamta and all the marriage preparation*

is completed. They came to know that on 06.02.2024, Mamta had gone away with a boy namely Deepak resident of Rambas and in this regard the family member's of Rameshwar has registered a case FIR 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari and the investigation of said case is being conducted by Police Post, Dahina. He has never threatened anyone and will never threaten anyone. He has nothing to do with Mamta because when Mamta has left the house on her own, there is no point in threatening her. It doesn't matter Mamta is a major, she is capable of thinking about her own good and bad, he will not threaten anyone (True translated copy of statement of Dharambir i.e. respondent no.9 is enclosed herewith as Annexure R-4).

7. *That thereafter, on the same day, the investigating officer made the contact with Ramniwas son of Ram Chander Yadav i.e. respondent no.10 who is the neighbor of cousin brother of petitioner no.1. During interrogation, he stated that in their neighborhood, Rameshwar son of Parsaram, caste Gurjar, resident of Nimoth is residing with his family after constructed his house. Rameshwar's brother Ramjilal was died in a accident in the year 2001. Mamta was brought up by Rameshwar like his daughter. The marriage of Mamta was fixed on 18/02/2024 in which the marriage card has been distributed and all the marriage articles has been purchased and Breza vehicle has also been purchased for marriage. On 06.02.2024, they came to know that Mamta had gone away with a boy namely Deepak and in this regard the family member's of Rameshwar have registered a case FIR no. 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari and the investigation of said case is being conducted by Police Post, Dahina. He is a neighbor. He has neither given any kind of threat and nor will give threaten to anyone (True translated copy of statement of Ramniswas i.e. respondent no.10 is enclosed herewith as Annexure R-5).*

8. *That thereafter, on 15.02.2024, the investigating officer made the contact with Rajbir Singh son of Rameshwar i.e.*

*respondent no.4 who is the cousin brother of petitioner no.1. During interrogation, he stated that his uncle Ramjilal died in a road accident in the year 2001, about one month after his death, a daughter was born to Ramjilal's wife Geeta, who was named Mamta, mother of Mamta had left Mamta when Mamta was about 4 years old and had remarried, Mamta was brought up by his father Rameshwar like his daughter. Now Mamta is about 22 years old, they had fixed Mamta's marriage with Kuldeep son of Sombir on 18/02/2024 in Obra (Shahrajpur), Kuldeep worked in the army. On 06.02.2024, without any information to them, Mamta had gone away from home, they came to know that Deepak son of Ravinder, caste Yadav, resident of Rambas had abducted Mamta, so we had registered a case FIR 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari. On 10.02.2024, they had to go for Mamta's Lagan in which they had also distributed wedding cards and Mamta herself had bought her clothes etc. of her own free will and now they came to know that Mamta has married with Deepak. Mamta is 22 years old and she is major girl. She has married as per her own wish, now they will not have any relation with Mamta, nor will they ever harass her or Deepak, nor will they threaten her in any way, nor have they given any kind of threat to them **(True translated copy of statement of Rajbir Singh i.e. respondent no.4 is enclosed herewith as Annexure R-6).***

9. That thereafter, on the same day i.e. 15.02.2024, the investigating officer made the contact with Satpal son of Rameshwar i.e. respondent no.5 who is the cousin brother of petitioner no.1. During interrogation, he stated that his uncle Ramjilal died in a road accident in the year 2001, about one month after his death, a daughter was born to Ramjilal's wife Geeta, who was named Mamta, mother of Mamta had left Mamta when Mamta was about 4 years old and had remarried, Mamta was brought up by his father Rameshwar like his daughter. Now Mamta is about 22 years old, they had fixed Mamta's marriage with Kuldeep son of Sombir on 18/02/2024

*in Obra (Shahrajpur), Kuldeep worked in the army. On 06.02.2024, without any information to them, Mamta had gone away from home, they came to know that Deepak son of Ravinder, caste Yadav, resident of Rambas had abducted Mamta, so they had registered a case FIR no. 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari. On 10.02.2024, they had to go for Mamta's Lagan in which they had also distributed wedding cards and Mamta herself had bought her clothes etc. of her own free will and now they came to know that Mamta has married with Deepak. Mamta is 22 years old and she is major girl. She has married as per her own wish, now they will not have any relation with Mamta, nor will they ever harass her or Deepak, nor will they threaten her in any way, nor have they given any kind of threat to them **(True translated copy of statement of Satpal i.e. respondent no.5 is enclosed herewith as Annexure R-7).***

10. That thereafter, on the same day i.e. 15.02.2024, the investigating officer made the contact with Jile Singh son of Parkash i.e. respondent no.11 who is the Brother-in-law (Jija) of petitioner no.1. During interrogation, he stated that he was married with Madhu daughter of Rameshwar in the year 2009, after his marriage he came to know that his uncle father-in-law Ramjilal died in the year 2001. About a month after his death, Ramjilal's wife Geeta gave birth to a daughter named Mamta. When Mamta was about 4 years old, Mamta's mother Geeta left her and got married again. Mamta was brought up by his father-in-law Rameshwar like his own daughter. Now Mamta is about 22 years old. His in-laws have fixed Mamta's marriage with Kuldeep son of Sombir on 18/02/2024 in Obra (Shahrajpur). Kuldeep was working in the Army and on 06.02.24 Mamta had left home without informing her family. Later her family came to know that Mamta was abducted by Deepak son of Ravinder caste Yadav resident of Rambas, so they registered a case against her vide FIR no. 23 dated 06.02.24, under Section 346 IPC at P.S. Khol, District Rewari, Mamta's Lagan was to go on 10.02.2024 in which he had also

received a card from his in-laws' side and he too had to attend the wedding. His father-in-law told him that Mamta had bought her clothes on her own free will and he later came to know that Mamta had married with Deepak. Mamta is 22 years old and a major girl, she got married on her own free will. They will not have anything to do with Mamta, nor will they ever harass her or Deepak, nor will they threaten her in any way, nor have they given any kind of threat and he is a relative, there is no any kind of connection with Deepak son of Ravinder resident Rambas and his family (True translated copy of statement of Jile Singh i.e. respondent no.11 is enclosed herewith as Annexure R-8).

11. That thereafter, on the same day i.e. 15.02.2024, the investigating officer made the contact with Sunil son of Omparkash i.e. respondent no.12 who is the relative of petitioner no.1. During interrogation, he stated that his brother-in-law's (Sadhu) daughter marriage was to be performed on 18.02.2024. On 06.02.2024, she had gone from her house for which he later came to know. He don't know her very well as she is in his away relationship and he has not made any conversation with her nor gave any kind of threaten to her and she will not have any kind of danger from him in future and he will not give any kind of threaten to her in future (True translated copy of statement of Sunil i.e. respondent no.12 is enclosed herewith as Annexure R-9).

12. That during the course of investigation, the investigating officer recorded the statements of Rajbir Singh and Satpal i.e. respondent no. 4 and 5 (Annexure R-6 and 7) respectively who are the cousin brothers of petitioner no.1 wherein they have stated that their uncle Ramjilal died in a road accident in the year 2001, about one month after his death, a daughter was born to Ramjilal's wife Geeta, who was named Mamta, mother of Mamta had left Mamta when Mamta was about 4 years old and had remarried, Mamta was brought up by their father Rameshwar like his daughter. Now Mamta is about 22 years old, they had fixed Mamta's marriage with Kuldeep son of

Sombir on 18/02/2024 in Obra (Shahrajpur), Kuldeep worked in the army. On 06.02.2024, without any information to them, Mamta had gone away from home, they came to know that Deepak son of Ravinder, caste Yadav, resident of Rambas had abducted Mamta, so they had registered a case FIR no. 23 dated 06.02.2024 under section 346 IPC at P.S., Khol, District, Rewari. They had not given any kind of threat to Mamta and they will not create any kind of danger and they will not give any kind of threat in future and they will not do any work to create any complaint. It is submitted that during the course of investigation, the investigating officer has also recorded the statements of Rajbir, Bir Singh, Ravinder, Dharmbir, Ramniwas, Jile Singh and Sunil i.e. respondents no. 6 to 12 wherein they categorically stated that they have not given any kind of threat to the petitioners and they will not give threat to anyone in the future (Annexures R-3 to R-9). It is pertinent to mention here that during the investigation, it has been established that the petitioners have levelled false allegations against respondent's no. 4 to 12 in the present petition to the effect that they are being harassed by respondent no. 4 to 12 in connivance with the police and the private respondents are adamant to finish them on account of performing of marriage without their consent. It is submitted that the petitioner no.1 has performed the marriage with Deepak i.e. petitioner no.2 and they are residing peacefully and as per the statement of respondents no. 4 to 12, they have not given any kind of threat to petitioners at any point of time.

13. That as per version of the petitioners they have solemnized marriage at Shree Sanatan Vedic Vivah Mandal (Regd.), ward no. 17, Loharu road Charkhi Dadari on 06.02.2024 and a certificate to that effect is attached with the present petition as Annexure P-4. It is submitted that on 21.02.2024, the investigating officer reached at Shree Sanatan Vedic Vivah Mandal (Regd.), ward no. 17, Loharu road Charkhi Dadari to verify the authenticity of the marriage certificate where the investigating officer made the contact with

*Naveen Kumar who is the president of Shree Sanatan Vedic Vivah Mandal and Ram Babu who is the priest of Laxmi Narayan Temple and during interrogation they told that on 06.02.2024, Ravinder Yadav Advocate alongwith Deepak and Mamta came to them and after checking of their documents Deepak and Mamta were found major and thereafter the marriage was solemnized with their consent as per Hindu rites and ceremonies. It is pertinent to mention here that the authenticity of the marriage certificate (**Annexure P-4**) has been verified wherein it is found correct. On 21.02.2024, the petitioners moved an application before the Superintendent of Police, Mahendergarh to protect the lives and liberty of the petitioners at the hands of private respondents upon which SHO, P.S. Sadar Kanina was directed to protect the life and liberty of the petitioners vide order dated 21.02.2024 and in compliance of the said order they have been shifted to protection home located at Police Line, Narnaul and presently the petitioners are staying in the protection home located at Police Line, Narnaul”.*

From the perusal of the said report, it appears that at present, there is no danger to the life and liberty of the petitioners at the hands of private respondents who are also present in Court and have admitted the fact of recording statements by the police authorities as has been attached to the status report as well.

In view of the above, this petition does not survive any further as the girl namely Mamta-petitioner No.1, who is also present in Court, states that she has already married with petitioner No.2 namely Deepak on 06.02.2024 at Shree Sanatan Vedic Vivah Mandal (Regd.), Ward No.17, Loharu Road, Charkhi Dadri.

Since all the private respondents are present in Court namely Rajbir (cousin brother), Shaitan Singh (maternal grandfather), Data Ram

(Mausa), Santosh Devi (Mausi) and Geeta Devi (Mausi) who have stated that they do not have any objection with the marriage performed by the petitioners, hence, the present petition is disposed of as no cause of action is left to be adjudicated.

27.02.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No