

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215

CRWP-1726-2024

Date of Decision: 02.08.2024

Sapna Shekhawat

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Aarti Sharma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

None for respondents No. 4 to 7.

NIDHI GUPTA, J. (ORAL)

Prayer in this Criminal Writ Petition filed under Article 226 of the Constitution of India, is for issuance of a direction to respondents No. 1 to 3 to provide adequate security and protection to the life and liberty of the petitioner from the hands of respondents No. 4 to 7 and their relatives; and further directing respondents No. 2 to 7 not to harass and interfere in the peaceful life of the petitioner, as also not to intrude into the privacy of the petitioner by forcing her to live with respondent No. 5 again and again.

On the last date of hearing i.e. 17.07.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in the present petition is for directing respondents No. 1 to 3 to provide adequate security and protection to the life and liberty of the petitioner from the hands of respondents No. 4 to 7 and their relatives and direction to respondents No. 2 to 7 not to harass and



interfere in the peaceful life of the petitioner and not to intrude into the privacy of the petitioner by forcing her to live with respondent No.5 again and again.

Learned counsel for the respondent-State submits that the petitioner is a married woman having two children and the private respondents No. 4 to 7 from whom the petitioner is seeking protection are the close family relatives of the petitioner in-as-much as the respondent No. 4 is the husband; respondent No.5 is a brother; respondent No.6 is the father and respondent No.7 is the mother of the petitioner. It is submitted that in actual fact, the petitioner went missing from her matrimonial home on 16.02.2024; whereupon her husband/respondent No.4 herein lodged a complaint with the police on the same day, in respect of which FIR No. 28 dated 16.02.2024 was registered under Section 346 IPC at Police Station, Nangal Chaudhary. Upon investigation, the petitioner was apprehended and recovered from the Court premises of Mahendergarh on 23.02.2024. On the same day i.e. 23.02.2024, her statement under Section 164 Cr.P.C. was got recorded by the learned Judicial Magistrate 1st Class, Narnaul, wherein she has categorically stated that she had left her house with her own free will and she went to Panipat side with Tanuj and now she wants to live with him and she apprehends danger to her life and liberty from her brother, maternal uncle, father, Kuldeep and her uncle.

Learned counsel for the State is directed to place on record the statement of the petitioner under Section 164 Cr.P.C. dated 23.02.2024.

There is no representation on behalf of the petitioner.

Registry is directed to inform learned counsel for the petitioner about the next date fixed.

List on 02.08.2024.”



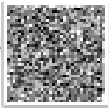
In compliance of the order reproduced above, learned counsel for the State has filed fresh status report dated 31.07.2024, by way of affidavit of Sh. Hardeep Singh, Deputy Superintendent of Police, Narnaul, District Mahendergarh, on behalf of respondents No. 1 and 2, which is taken on record.

A copy thereof, has been supplied to learned counsel for the petitioner.

Perusal of the statement of the petitioner recorded under Section 164 Cr.P.C. dated 23.02.2024, appended with the status report as Annexure R-5, shows that the assertions made by learned counsel for the State as noted in the aforesaid order dated 17.07.2024 are correct.

On instructions from SI Pankaj, learned counsel for the State further informs that upon investigation, it has been found that there is no threat perception to the petitioner from respondents No. 4 to 7 and the petitioner has levelled false allegations against private respondents No. 4 to 7. Learned counsel for the State also refers to the previous status report dated 03.07.2024, filed on behalf of respondents No. 1 and 2 and the relevant portion of para Nos. 11 and 12, is hereby reproduced as under:-

“11.It is pertinent to mention here that during the investigation, it has been established that the petitioner has levelled false allegations against respondent's no. 4 to 7 in the present petition to the effect that they are being harassed by respondent no. 4 to 7 in connivance with the police i.e. respondent no. 3 on account of living in live-in-relationship with Tanuj. It is submitted that presently the petitioner is living with a person namely Tanuj Saini at Panipat peacefully and as per the statement of respondents no. 4 to 7,



they have not given any kind of threat to petitioner at any point of time.

12. That after recording the statements of private respondents no. 4 to 7, the investigating officer reached at the conclusion that there is no any kind of danger to the life and liberty of the petitioner from the private respondents and the facts of the case has already been verified by SHO, P.S. Nangal Chaudhary, according to which there is no any kind of danger to the life and liberty of the petitioner from respondents no. 4 to 7. It is submitted that in view of the statements of respondents no. 4 to 7, it has been clearly established that there is no any kind of danger to the life and liberty of the life and liberty of the petitioner from the private respondents. Hence, keeping in view the above facts as well as circumstances of this case, it is most respectfully submitted that now the petitioner have no any kind of fear and danger from respondents no. 4 to 7 and as such there is no need to issue any king of direction to respondents no. 1 to 3 to protect the life and liberty of the petitioner and the petition of the petitioner deserves to the dismissed.”

Learned counsel for the petitioner is unable to controvert the above-said submissions.

In view of the above, no further direction is required to be issued in the present Criminal Writ Petition and the same stands disposed of, accordingly.

02.08.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No