

2024:PHHC:102391



288.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-7420-2024

Date of decision: 08.08.2024

Rekha and another

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. J.P. Sharma, Advocate, for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana, for respondent No.1 to 3.

Ms. Geeta Singhwal, Advocate, for respondent No.4.

GURBIR SINGH, J.

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of appropriate writ, order or directions to the official respondents No.1 to 3 to protect the life and liberty of the petitioners at the hands of private respondent No.4.

2. It is submitted that respondent No.4-Rajender is the husband of petitioner No.1. Petitioner No.1 contended that when she was 17 years of age, she was kidnapped by respondent No.4 and in this regard, an FIR was also lodged by her father on 05.03.2007. However, respondent No.4 solemnized marriage with petitioner No.1 on 07.07.2007, but kept her under confinement, threats and committed rape since 05.03.2007 to 07.07.2007. Two daughters were also born to them. The elder one is

residing with her grandmother and younger is residing with her bua. Petitioner No.1 is 9th class pass and has no source of income. It is contended that respondent No.4 has completely deserted petitioner No.1. He is neither paying any maintenance to her nor taking care of her. In the year, 2022, left with no other option, she filed divorce petition and also filed an application under Section 125 Cr.P.C. for maintenance, but even then, respondent No.4 has not paid any single penny to her. In this situation, petitioner No.2, who is unmarried and of 37 years of age, started giving support to her. Petitioner No.1 wants to marry petitioner No.2 but after getting divorce from respondent No.4. This has been objected by respondent No.4 and he is giving life threats to the petitioners. They filed representations dated 30 & 31.07.2024 (Annexures P-4 and P-5), but they have not been provided any protection. Feeling aggrieved, they have approached this Court.

3. *Vakalatnama* filed on behalf of respondent No.4 in Court today, is taken on record. Learned counsel appearing on behalf of respondent No.4, on instructions, states that respondent No.4 has neither given any beating to her nor she was tortured. In fact, she had gone to Neemka Thana (Rajasthan) with his nephew Vikram, petitioner No.2 herein. He lodged FIR and petitioner No.1 was recovered by the police in the company of petitioner No.2. Petitioner No.1 gave her statement and started living with petitioner No.2 and said case was cancelled by the police.

4. Pursuant to order dated 02.08.2024, learned State counsel has filed status report by way of affidavit dated 06.08.2024 of Suresh Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, on behalf of respondents No.1 to 3, along with the statement of respondent No.4 as Annexure R-1, in Court today, which is taken on record. In his statement, respondent No.4 has stated that he neither beat petitioner No.1 nor tortured her and has borne out all her expenses. Respondent No.4 further stated that petitioner No.1 repeatedly goes anywhere with petitioner No.2 and due to this reason, he has not maintained as husband-wife relationship with her for 1 year as she does not listen to him and keeps coming with petitioner No.2. He has also stated that there is no danger of any kind to the life and liberty of the petitioners from him. In the said status report, it has also been stated that no representation has been received by the office of Superintendent of Police, Narnaul, as stated by the petitioners.

5. I have heard learned counsel for the parties and have gone through the paper book.

6. Although respondent No.4 has made the statement that there is no threat to the petitioners from his side, but this Court is bound to protect the life and liberty of the petitioners.

6.1 Marriage is not must for providing security because protection *qua* life and liberty is sacrosanct and stands at the highest pedestal. Reliance is placed upon orders passed by the co-ordinate Bench of this Court in ***Sarabjeet Kaur and another versus State of Punjab and others*** in

CRWP-102-2022 decided on 07.01.2022 and *Goutam Kumar and another versus State of Punjab and others* in CRWP-8088-2021 decided on 26.08.2021.

7. Without expressing any opinion on the merits of the case and the nature of relationship between the petitioners, I deem it appropriate to direct respondent No.2-Superintendent of Police, Narnaul, District Mahenagarh, to look into the matter and pass an appropriate order on the representations allegedly filed by the petitioners before him on 30 & 31.07.2024 (Annexures P-4 and P-5). If respondent No.2 finds no such representation, petitioners shall file fresh one, which shall be considered by respondent No.2 in accordance with law. It would be appreciated if necessary orders are passed within one month from the date of receipt of copy of this order. Till then, protect the life and liberty of the petitioners.

8. However, if the petitioners are found to have been involved in any other case, then this order shall not preclude the competent authority from taking lawful action against the petitioners.

9. Present petition stands disposed of accordingly.

(GURBIR SINGH)
JUDGE

August 08, 2024
sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No