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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 521/2025

MAMTA KHARAYAT AND ORS.

.....Petitioners

Through: Ms. Sashi Kiran, Sr. Advocate along
with Dr. Manoj Gorkela, Mr.
Divyansh Bisht and Mr. Varun
Kumar, Advocates.

versus

THE STATE (GOVT OF NCT DELHI) AND ORS

.....Respondents

Through: Mr. Anand V Khatri, ASC for State
along with Insp. Narender and S.I.
Sunder Singh, P.S. Nangloi.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.02.2025

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking following reliefs:

“i. Issue a Writ of Mandamus or any other appropriate writ, order, or direction directing the Respondent No.1 and Respondent No. 2 Superintendent of Police, (Pithoragarh, Uttarakhand) to protect the life and liberty of the Petitioner No. 1, 2 and 3, specifically considering the fact that the Petitioner No. 1 is 7 Months pregnant.

ii. Direct the concerned Respondents No. 1 and 2 to provide immediate and adequate police protection to the Petitioners and her minor daughter, ensuring their safety and security from Respondent No. 3 and 4 and his 19 associates and to desist them from taking any action aimed at separating the Petitioner from her minor daughter, thereby upholding her parental rights and the



welfare of the child.”

2. Issue notice. Mr. Anand V Khatri, learned ASC accepts notice on behalf of State/respondent no. 1 & 2

3. Brief facts of the case, as borne out from the petition, are that the marriage of the petitioner no. 1 was solemnized with one Diviraj Kharayat (Respondent no. 3) in 2009. It is stated that there were some temperamental differences between the petitioner no. 1 and her husband. Out of the said wedlock, two children were born who are 15 and 11 years old. It is the case of the petitioner no. 1 that she was subjected to cruelty by her husband and her in-laws. Thereafter, petitioner no. 1 met Mr. Deepak Chandra Bhatt (Petitioner no. 2) with whom she shared her grievances. Gradually, they both developed strong relation and fell in love with each other. Petitioner no. 1 later became pregnant with the child of petitioner no. 2. Due to safety reasons, petitioner no. 1 and 2 shifted to Noida, however, on 11.06.2024, a police personnel arrived from Pithoragarh, in car and arrested both the petitioners in Noida and took them to Pithoragarh Police Station. Thereafter, statement of petitioner no. 1 was recorded before the Magistrate, where she stated that she had gone with petitioner no. 2 at her own will. Thereafter, both the petitioners were released. After sometime, the petitioner no. 1 and 2 started living together, but, one night the respondent no. 3 and 4 accompanied by respondent no. 3's father, along with the police arrived to arrest them. However, the petitioner no. 1 and 2 managed to escape and fled to Delhi along with father of petitioner no. 1 (Petitioner no. 3) and Garima, who is the daughter of petitioner no. 1 and respondent no. 3. It is the case of the petitioners that they be granted police protection as respondent nos. 3



and 4 have threatened to carry out honor killing.

4. The learned counsel appearing on behalf of the petitioners state that the petitioners and their family members are in constant threat to their life and therefore, prays that protection be granted to the petitioners from the respondents.

5. The learned ASC for the State, on the other hand, submits that petitioners can be provided with the numbers of beat constable and SHO concerned, if the apprehend any threat to life from the respondents.

6. The learned counsel appearing on behalf of the petitioners has handed over to the Court, in closed envelope, the present address of the petitioners. It is stated that the address be mentioned in the judicial orders since, the petitioners are apprehending threat to their life.

7. Considering the same, the learned ASC for State is directed that the S.H.O concerned be informed about the address of the present petitioners.

8. Further, considering the overall facts and circumstances of the case, and the fact that the petitioners have prayed for protection of their life as they are apprehending threat from respondent no. 3 and 4, the petitioners are directed to provide their mobile numbers to the concerned Beat Constable and SHO. Similarly, the mobile numbers of concerned SHO and Beat Constable be also shared with the petitioners.

9. The S.H.O concerned is directed to ensure that the petitioners herein are protected of their lives and liberty.

10. The learned counsel for petitioners states that she is satisfied with the aforesaid arrangement.

11. The copy of this order be given *dasti* under the signature of Court Master.



12. The order be uploaded on the website forthwith.

FEBRUARY 24, 2025/vc

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any