

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3953/2020

(Arising out of impugned final judgment and order dated 20-08-2020 in CRWP No. 6143/2020 passed by the High Court Of Punjab &amp; Haryana At Chandigarh)

MOHD IRSHAD &amp; ANR.

Petitioner(s)

VERSUS

THE STATE OF HARYANA &amp; ORS.

Respondent(s)

Date : 09-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Satish Pandey, AOR  
Mr. Salim Ansari, Adv.  
Mr. Umang Tripathi, Adv.  
MR. Raghvendra Kumar, Adv.  
Mr. Liaqat Ali, Adv.  
Ms. Geeta Verma, Adv.  
Mr. Abdul Qadir, Adv.  
Mr. Abbula Kalam, Adv.

For Respondent(s)

Mr. Devender Kumar Saini, AAG  
Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following

## O R D E R

We have heard learned counsel for the petitioners as well as learned AAG for the State. It has been stated in the office report that respondent Nos. 4 and 5 refused to accept notice. Respondent Nos. 4 and 5 shall be deemed to have been served.

By way of special leave petition, the petitioners have prayed to direct respondent No.2 to protect the life and liberty of the petitioners.

The case of the petitioners is that the petitioners got

married on 27.07.2020 as per Muslim rites and rituals. Respondent Nos. 4 and 5 are father and uncle of the petitioner No. 2, who were displeased with the marriage.

The High Court vide order dated 20.08.2020 dismissed the writ petition on the ground that the earlier writ petition filed by the petitioners was dismissed and no liberty was sought and granted, hence, second writ petition was not maintainable. Learned counsel for the petitioners has filed a copy of the order dated 13.08.2020 passed by the High Court in CRWP No. 5873 of 2020, by which the High Court dismissed the writ petition, which reads as under:

“Case has been taken up for hearing through video conferencing due to Covid - 19 pandemic.

Learned counsel for the petitioners prays for withdrawal of this petition with liberty to file fresh one with better/correct particulars.

Dismissed as withdrawn with aforesaid liberty.”

When the High Court granted liberty to file fresh writ petition on 13.08.2020, the High Court erred in dismissing the writ petition as not maintainable.

Learned counsel for the State submits that FIR was lodged by the father of petitioner No.2 on 01.09.2020 under Section 365 read with 120B of the IPC being FIR No. 251/2020. Learned counsel for the State further submits that in the aforesaid case, the statement of petitioner No.2 has been recorded under Section 164, CrPC in which she stated that she got married on her own free will and living with petitioner No.1. After the statement of petitioner NO.2 was recorded, she was sent with petitioner No.1.

Learned counsel for the State submits that steps are already

being taken for filing closure report.

Learned counsel for the petitioners submits that they have a perception of threat from respondent Nos. 4 and 5.

Considering the facts of the present case, we order that in event there is any genuine perception of threat, it shall be open for the petitioners to approach the Superintendent of Police, District Palwal, Haryana with an appropriate request, which shall take steps for ensuring safety of the life and liberty of the petitioners.

With the above observations, the special leave petition stands disposed of.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)  
AR-CUM-PS

(RENU KAPOOR)  
COURT MASTER