
(2012) 08 RAJ CK 0015
In the Rajasthan High Court
Case No : Civil Writ Petition No. 8392 of 2012

Ajay Prakash Biban and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 14-08-2012

Acts Referred:

Citation : (2012) 08 RAJ CK 0015

Hon'ble Judges : Dinesh Maheshwari, J

Bench : Single Bench

Advocate : R.Bhatnagar, for the Appellant;

Final Decision : Dismissed

Judgement

Dinesh Maheshwari

1. By way of this petition, the petitioners said to be respectively in 26 and 18 years of age and said to have contracted marriage on 08.08.2012, seek the orders for protection while stating threat perceptions, particularly at the hands of the respondent No. 6, said to be the father of the petitioner No. 2. From the submissions as made in the petition and as urged before the Court, it appears that an FIR bearing number 285/2012 has been registered in the matter at Police Station, Sri Madhopur, District Sikar. According to the petition averments, the marriage of the petitioners was performed as per the Hindu Customs at Arya Samaj, New Delhi; then, a certificate was issued in that regard (Annex. 2); and then, the Registrar of Hindu Marriages-V, Ghaziabad issued the marriage registration certificate (Annex.3). The averment in the petition is not correct that the marriage took place at New Delhi. As per the certificate, the marriage allegedly took place at Vijay Nagar, Ghaziabad.

2. It is submitted that after marriage, an agreement of marriage was executed in the presence of Notary Public at Annopgarh (Annex. 4). Therein, inter alia, it is stated that the petitioner No. 1 would remain bound to maintain the petitioner No. 2 and the off-springs. This Court is unable to find any logic and reason in

execution of such nature irrelevant document.

3. Then, the petitioner No. 2 is said to have made a representation (Annex. 5) to the Superintendent of Police, Sikar. The hand-written copy of the document Annexure-5 at page 24 of the paper-book, allegedly the representation made by the petitioner No. 2, does not carry any date. Then, there is a typed representation at page 25 of the paper-book, said to have been made by the petitioner No. 1, and it carries the date of "11.08.2011".

4. Leaving aside the aforesaid incongruities, the relevant aspect of the matter is that nothing of the proof of delivery of the so-called representations has been placed on record and it is difficult to find as to how, when and wherefrom these so-called representations were sent to the Superintendent of Police, Sikar, if at all they were sent.

5. Any threat perceptions to the married couple may be dealt with appropriately but it is difficult to entertain a writ petition on such uncertain and incongruous submissions as made herein.

6. While examining the record and the Court noticing that there is no affidavit of the petitioner No. 2 in support of the petition, the learned counsel suggested that he may be permitted to get the statements of the petitioner No. 2 recorded. The submission does not inspire confidence.

7. This Court is at a loss to find as to what prevented the petitioners in case of genuine threat perceptions in making appropriate submissions before the authorities concerned and at the same time, in also co-operating with the process of law including that related with the FIR said to have filed and standing in the knowledge of the petitioners.

8. In the totality of the circumstances, this Court is not persuaded to entertain this writ petition but it is left open for the petitioners to take recourse to the appropriate remedies in accordance with law including making of appropriate submissions before the authorities concerned.

9. If the petitioners make any such submission before the authorities concerned, it would be expected of them, including the Superintendent of Police, Sikar, to deal with the matter appropriately and if necessary, to provide appropriate protection to the petitioners. Subject to the observations foregoing, this petition stands dismissed.