

(2021) 01 RAJ CK 0225

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 271 Of 2021

Omhari Gurjar And Ors

APPELLANT

Vs

State of Rajasthan And Ors

RESPONDENT

Date of Decision : 18-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Rajasthan Police Act, 2007 — Section 29
Constitution of India, 1950 — Article 21

Citation : (2021) 01 RAJ CK 0225

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Vijay Kumar Jangid, Ganesh Saini

Judgement

1. This Petition has been filed under Section 482 Cr.P.C. for protection of life and personal liberty of the petitioners.
2. Heard learned counsel for both the sides and perused the material made available on record.
3. Learned counsel for the petitioners submits that both the petitioners are major and have performed marriage with each other, but the private respondents and others are not happy with their marriage and they are threatening the petitioners. Given that their life and liberty is in danger, police protection may be granted to them.
4. Learned Public Prosecutor submits that appropriate directions may be issued.
5. In view of the order intended to be passed in the petition, being non-prejudicial to the private respondents, no notices are required against them.
6. Heard. Considered.
7. It is well settled legal position as expounded by the Hon'ble Supreme Court of

India in Lata Singh Vs. State of UP [AIR 2006 SC 2522], S.

Khushboo Vs. Kanniammal [(2010) 5 SCC 600], Indra Sarma Vs. VKV Sarma [(2013) 15 SCC 755] and Shafin Jahan vs. Asokan KM & Ors.

[(2018) 16 SCC 368] that the society cannot determine how individuals live their lives, especially when they are major, irrespective of the fact that the

relation between two major individuals may be termed as unsocial. Thus, life and personal liberty of the individuals has to be protected except

according to procedure established by law, as mandated by Article 21 of the Constitution of India. Further, as per Section 29 of Rajasthan Police Act,

2007 every police officer is duty bound to protect the life and liberty of the citizens.

8. Therefore, in light of above legal position and having regard to the above submissions but without expressing any opinion on the genuineness or

correctness of the allegations made by the petitioners, this petition is disposed of with the direction that learned counsel for the petitioners shall send a

copy of the petition along with its annexures to the Station House Officer of concerned Police Station through e-mail, and on receipt of the same, the

Station House Officer concerned shall treat it as a complaint and after due enquiry, he shall take necessary preventive measures and other steps to

ensure safety and security of the petitioners in accordance with law.

9. However, as a precautionary note, it is made clear that this order shall not come in the way of civil/criminal case, if any, and such case would take

its own course as per law.