

(2020) 12 RAJ CK 0054

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 5961 Of 2020

Pinki Bairwa And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Rajasthan Police Act, 2007 — Section 29

Constitution Of India, 1950 — Article 21

Citation : (2020) 12 RAJ CK 0054

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Hanish Khan, Arvind Bhadu

Judgement

1. This Petition has been filed under Section 482 Cr.P.C. for protection of life and personal liberty of the petitioners.
2. 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.
3. Heard learned counsel for the petitioner and learned public prosecutor and perused the material made available on record.
4. 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.
5. Learned Public Prosecutor submits that appropriate directions may be issued.
6. 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]and Indra Sarma Vs. VKV Sarma [(2013) 15 SCC 755]that personal life and liberty has to be

protected irrespective of the fact that the relation between individuals of the age of majority, may be termed as immoral and unsocial, except

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

Act, 2007 it is the duty of every police officer to protect the life and liberty of the citizens.

7. In view of the above legal position, the petitioner may be held liable in any civil or criminal proceedings as per law, but in order to maintain rule of

law nobody can be allowed to take law in his own hands. Therefore, 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.

8. 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.