

(2020) 12 RAJ CK 0164

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6487 Of 2020

Shankar Singh Chauhan And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 18-12-2020

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 0164

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Amit Ratnawat, F. R. Meena

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 the petitioners and learned Public Prosecutor and perused the material made available on record.
3. Learned counsel for the petitioners submits that both the petitioners are major, have performed marriage with each other and have also obtained their marriage certificate in furtherance of the registration of their marriage, but the private respondent is not happy with their marriage and he is 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 respondent, 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]and *Indra Sarma Vs. VKV Sarma* [(2013) 15 SCC 755]that personal life and liberty has to be

protected except according to procedure established by law as mandated under Article 21 of the Constitution of India, irrespective of the fact that the

relation between two major individuals may be termed as unsocial. 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. Therefore, 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.

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.