
(2015) 03 UK CK 0050

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1364 of 2014

Sumitra and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 30-03-2015

Acts Referred:

Citation : (2015) 2 NCC 378

Hon'ble Judges : K.M. Joseph, C.J.;V.K. Bist, J

Bench : Division Bench

Advocate : Lata Negi, for the Appellant; A.S. Gill, Dy. Advocate General, Advocates for the Respondent

Final Decision : Disposed off

Judgement

K.M. Joseph, C.J.

1. The writ petition seeking police protection has been filed by the petitioners, who are widowed mother and daughter. We have passed order dated 14th November, 2014, which reads as follows:--

"Ms. Lata Negi, Advocate for the petitioner.

Mr. D.K. Sharma, Addl. Advocate General with Ms. Sangeeta Bhardwaj, Brief Holder for the State.

Heard.

Present petition is filed by the petitioner for direction to respondent No. 2 and 3 to provide adequate police protection to the petitioners and also direct to ensure adequate security and also ensure that petitioners will not be subjected to any threat or act of violence. Facts of this present case are peculiar. One Habeas Corpus Petition No. 13 of 2014 was filed by the petitioner No. 1 for the production of petitioner No. 2. Petitioner No. 2 was produced before the court. She stated before the Court that she is major and is married to respondent. No. 4 (Shubham Dhiman). That day, respondent No. 4 was also present in the court

and stated that he is married to petitioner No. 2 and will keep her with him and will take care of her.

Few days thereafter, one recall application was filed. When application came before the court for consideration, petitioner No. 2 again appeared alongwith her mother. That day, she narrated entire version that she is tortured by respondent No. 4 and, infact, her earlier statement was made under the pressure of respondent No. 4. The court did not go further in the matter, and recalled the order dated 17.07.2014. The order was recalled and Habeas Corpus was revived. Subsequently, Habeas Corpus was dismissed as withdrawn at the behest of the petitioner's counsel.

Today, this petition has been moved before us for the relief mentioned as above. We have carefully considered the submission of the learned counsel for the petitioners as well as learned Addl. Advocate General for the State. The girl is present in the Court. She narrated that she is 16 years old and infact, she was being threatened by respondent No. 4 to marry with him. She further submitted that under the pressure of respondent No. 4 she made earlier statement. She also submits that respondent No. 4 and his colleagues are threatening the petitioners. It is also stated by her that respondent No. 4 and 5 are influential persons and their muscleman are trying to kidnap her. She also stated that her mother tried to register the FIR against respondent No. 4 and 5 but police is not registering the same.

Considering the above facts and circumstances, and also considering the fact that petitioner No. 1 is widow lady and petitioners are poor, we direct the respondent No. 2 and 3 to provide adequate protection to the petitioners as against respondent No. 4 and 5. Issue notice to respondent Nos. 4, 5 and 6 returnable within a period of four weeks.

List on 17th December 2014 in daily cause list."

We have heard Ms. Lata Negi, learned counsel for the petitioners, Mr. A.S. Gill, learned Deputy Advocate General (Criminal) for the State and also Mr. Parikshit Saini, Advocate, who appears for respondent Nos. 4 & 5.

2. Learned counsel for respondent Nos. 4 & 5 would submit that respondent Nos. 4 & 5 have no intention to cause any harassment or threat to the petitioners. We record the same. We dispose of the writ petition by not merely recording the same but also directing that in case any complaint is received from the petitioners, wherein they seek protection from respondent Nos. 4 & 5, before the 3rd respondent, the 3rd respondent will look into the same and, if the complaint is found genuine, he will provide protection to the petitioners as against respondent Nos. 4 & 5 as and when required.