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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3973/2018**

**POOJA & ANR.**

..... Petitioners

Through Mr. Amit Kumar Tanwar and  
Mr. Bhanu Pratap Singh, Advocates.

versus

**THE COMMISSIONER OF POLICE**

..... Respondent

Through Ms. Kamna Vohra, ASC.  
Insp. Rajeev Yadav and ASI  
Satyawan, PS-Bindapaur.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

% **31.12.2018**

**CRL.M.A. 50798/2018 (Exemption)**

1. Exemption allowed, subject to all just exceptions.

**W.P.(CRL) 3973/2018**

2. Issue notice.

3. Ms. Kamna Vohra, Additional Standing Counsel (Crl.) for the DHC, accepts notice on behalf of the State. The Petitioners in the present petition have approached this Court on account of alleged threats received from the parents of Petitioner No. 1. Both the Petitioners are adults and claim to have married each other on their own freewill. They apprehended threat to their life and liberty from the parents of Petitioner No. 1.

4. Petitioner No. 1 and 2 have solemnised their marriage in Arya Samaj Mandir, Ghaziabad and they have also got their marriage registered under the Uttar Pradesh Marriage Registration Rules 2017 before the Marriage Registration Officer, Ghaziabad. Apprehending danger from relatives of Petitioner No. 1, the present petition has been filed seeking order of protection. Petitioners state that they have intimated about their marriage to the Commissioner of Police and several other authorities including SHO, PS, Nangloi. During the course of the arguments, learned counsel for the Respondent pointed out that the parents of Petitioner No. 1 are also present in the Court. The Court also had an occasion to interact with them. Both mother and father of Petitioner No. 1 have stated that they have now accepted the marriage and have no grievance against the Petitioners and that they have no reason to make any threats to them.

5. Regardless of the assurance given by the parents of the Petitioner No. 1, the Petitioners are still apprehensive and therefore, it is necessary that appropriate directions be issued to the police to assure that the Petitioners are given due protection. It has been time and again reiterated by this Court as well as by the Supreme Court that all persons are entitled to live in terms of their constitutional freedom recognized by the law of this country and therefore the Petitioners marriage is a decision, for which the Petitioners cannot be held at fault for any reason whatsoever. Petitioners are residing within the jurisdiction of police station, Bindapur. The address and other particulars whereof has been furnished to the learned counsel for the State who has in turn has handed over the same to the Inspector, Rajiv Yadav, Investigating Officer, PS, Bindapur. Learned counsel has further pointed

that at the instance of brother of Petitioner No. 1, an FIR No. 1068/18 under Section 365/34 IPC was registered at PS, Bindapur. The said FIR alleges that Petitioner No. 1 (Pooja) has been abducted by Sourav Singh (Petitioner No. 2) and she has been confined at some unknown place. In view of the above and for the reason that Petitioner No. 1 alleges that her father is well known to the officer at PS, Bindapur and she has expressed grave apprehension in this regard, it is deemed appropriate that SHO, PS Uttam Nagar instead of SHO, PS, Bindapur be directed to provide necessary and due protection to the Petitioners. SHO, PS Uttam Nagar shall provide his contact details and also contact details of one Lady Police Officer to the Petitioners. These numbers shall be kept operational at all times so that in the event of any exigency, they can be contacted and intimated on the said numbers. It has been further assured to this Court that in case any message is received on the aforesaid numbers, an adequate and immediate response shall be given. The Beat constables shall also regularly visit the residence of the Petitioners on daily basis and record the same in the *Roznamcha*. The aforesaid arrangement shall be initially for a period of one month and thereafter the safety and security of the Petitioners shall be assessed by the SHO, PS, Uttam Nagar on weekly basis. Should the Petitioners change their address to the jurisdiction of any other police station in the NCT of Delhi, the SHO, the subsequent police station shall be intimated about the change in address and the orders passed by this Court so that due protection granted is granted to them in terms of this order. No further orders are required and the petition is accordingly disposed of in the above terms.

6. The learned counsel for the respondent has pointed out that in view of the

fact that the marriage between parties has now been solemnised and both of them have now approached the Court for seeking protection order, further action for closure in the FIR No. 1068/2018 can be taken only on the statement of Pooja being recorded under Section 164 CrPC. In the facts and circumstances of the case, it is felt appropriate that the statement of Pooja (Petitioner No. 1) be recorded before this Court.

7. In view of the statement recorded on a separate sheet, the concerned Investigating Officer shall now proceed to take further steps on the basis of the said statement.

8. Copy of this order be sent to the SHO, PS Uttam Nagar for compliance.

9. Order *dasti* under the signatures of Court Master.

**SANJEEV NARULA, J**  
**(VACATION JUDGE)**

**DECEMBER 31, 2018/nk**