

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 3870/2022

1. Hemlata Dhobi D/o Shri Ramlal Dhobi W/o Shri Manish Tailor, Aged About 22 Years, Resident Of Plot No. 5, Rajvihar Colony, Jotdawala, Sanganer, Jaipur (Rajasthan), Presently Residing At 64/500, Pratap Nagar, Sanganer, Jaipur (Rajasthan).
2. Manish Tailor S/o Shri Hariom Tailor, Aged About 28 Years, Resident Of 64/500, Pratap Nagar, Sanganer, Jaipur (Rajasthan).

----Petitioners

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.
2. Commissioner Of Police, Jaipur, Rajasthan.
3. Sho, Police Station Sanganer Sadar, Jaipur, Rajasthan
4. Ramlal Dhobi S/o Shri Mohan Lal, Aged About 45 Years, Resident Of Plot No. 5, Rajvihar Colony, Jotdawala, Sanganer, Jaipur (Rajasthan)

----Respondents

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| For Petitioner(s) | : | Mr. Aryan Kumar Sharma, Adv. & Mr. Bhawani Shankar Sharma, Adv. |
| For Respondent(s) | : | Mr. Fateh Ram Meena, PP |

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

29/04/2022

1. This Petition has been filed under Section 482 Cr.P.C. for protection of life and personal liberty of the petitioners.
2. Learned counsel for the petitioners submits that both the petitioners are major and have performed marriage with each other and marriage certificate is submitted by them, but the

private respondent 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.

3. Learned Public Prosecutor submits that appropriate directions may be issued.

4. In view of the order intended to be passed in the petition, being non-prejudicial to the private respondent, no notice is required against him.

5. Heard learned counsel for both the sides and perused the material available on record.

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]**, **Indra Sarma Vs. VKV Sarma [(2013) 15 SCC 755]** and **Shafin Jahan Vs. Asokan KM [(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 the Rajasthan Police Act, 2007 every police officer is duty bound to protect the life and liberty of the citizens.

7. Therefore, in light of the 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.

8. However, as a precautionary note, it is made clear that this order shall not come in the way of investigation of the civil/ criminal case, if any, and such case would take its own course as per law.

9. Stay application also stands disposed of.

(NARENDRA SINGH DHADDHA),J

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