



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

S.B. Criminal Miscellaneous (Petition) No. 3366/2021

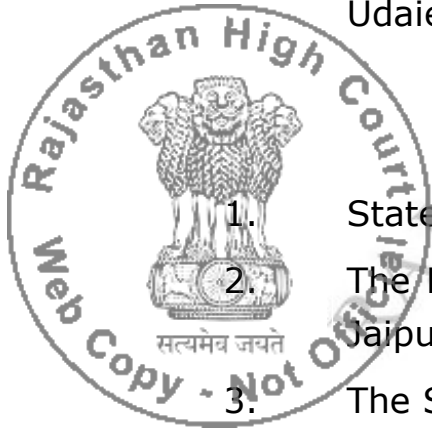
1. Ajay Kumar Berwa S/o Shri Pappu Lal Berwa, Aged About 21 Years, R/o Bhrambad, Gangapur City District Sawaimadhopur (Raj)
2. Samreen D/o Iqbal Khan, Aged About 18 Years, R/o Rajeev Colony Ward No. 1, Gangapur City, Police Staiton Udaie Mod, District Sawaimadhopur (Raj)

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. The Director General Of Police, , Rajasthan P.h.q Lalkothi Jaipur (Raj) ,
3. The Superintendent Of Police, Sawaimadhopur
4. The Station House Officer, (S.h.o), Police Station Udaie Mod, Gangapur City, District Sawaimadhopur (Raj))
5. Iqbal Khan S/o Ishak Khan, Aged About 50 Years, R/o Near New Truck Union, Rajeev Colony, Gangapur City, Udaie Mod, District Sawaimadhopur (Raj) (Father Of Petitioner No. 02)
6. Wahida W/o Iqbal Khan, Aged About 48 Years, R/o Near New Truck Union, Rajeev Colony, Gangapur City, Udaie Mod, District Sawaimadhopur (Raj) (Mother Of Petitioner No. 02)
7. Rizwan S/o Iqubl Khan, R/o Near New Truck Union, Rajeev Colony, Gangapur City,udaie Mod, District Sawaimadhopur (Raj) (Brother Of Petitioner No. 02)
8. Tayum S/o Ishak Khan, R/o Near New Truck Union, Rajeev Colony, Gangapur City, Udaie Mod, District Sawaimadhopur (Raj) (Uncle Of Petitioner No. 02)
9. Mustak S/o Gulab Khan, R/o Near New Truck Union, Rajeev Colony, Gangapur City, Udaie Mod, District Sawaimadhopur (Raj) (Uncle Of Petitioner No. 02)
10. Shahzad S/o Gulab Khan, R/o Near New Truck Union, Rajeev Colony, Gangapur City, Udaie Mod, District Sawaimadhopur (Raj) (Maternal Of Petitioner No. 02)

----Respondents





For Petitioner(s) : Mr. Anshuman Saxena through VC
For Respondent(s) : Mr. Atul Sharma, PP

HON'BLE MR. JUSTICE SATISH KUMAR SHARMA (V.J.)

Order

04/06/2021

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 both the sides and perused the material available on record.

3. Learned counsel for the petitioners submits that both the petitioners are major and unmarried. Now they are living in live-in relationship with each other, but the private respondents and others are not happy with their relationship and they are 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 respondents, 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]**, **Indra Sarma Vs. VKV Sarma [(2013) 15 SCC 755]** and **Shafin Jahan Vs. Asokan KM [(2018) 16 SCC 368]** 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 immoral and unsocial. 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.

8. 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.

9. 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.

(SATISH KUMAR SHARMA),J

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