



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

S.B. Criminal Miscellaneous (Petition) No. 3522/2021

1. Smt. Divya Shekhawat Daughter Of Shri Ganga Singh Shekhawat, Aged About 22 Years, Resident Of Ward No. 8, Village Mahroli, Ringus, District Sikar (Raj.) At Present Resident Of Village Gida Ka Bas, Ashti Kalan, Tehsil Chomu, District Jaipur (Raj.)
 2. Ashish Sharma Son Of Shri Satya Narayan Sharma, Aged About 22 Years, Resident Of Village Gida Ka Bas, Ashti Kalan, Tehsil Chomu, District Jaipur (Raj.)
- Petitioners
- Versus
- State Of Rajasthan, Through P.P.
The Director General Of Police, Jaipur (Raj.)
3. Superintendent Of Police, Sikar, District Sikar (Raj.)
 4. The Station House Officer, Police Station Ringus, District Sikar (Raj.)
 5. Gaga Singh Shekhawat Son Of Govind Singh Shekhawat
 6. Hemendra Singh Shekhawat Son Of Puran Singh Shekhawat
 7. V.P. Singh Shekhawat Son Of Puran Singh Shekhawat,
 8. Bablu Singh Shekhawat Son Of Mahaveer Singh Shekhawat
 9. Praveen Singh Shekhawat Son Of Ganga Singh Shekhawat
5 to 9 Residents Of Ward No. 08, Mahroli, Tehsil Shri Madhopur, District Sikar (Raj.)
 10. Pradeep Singh Rathor Son Of Shri Bhanwar Singh, Resident Of Gingaliya, District Nagaur (Raj.)

----Respondents

For Petitioner(s) : Mr. Gajender Sharma through VC
For Respondent(s) : Mr. Atul Sharma, PP
Mr. Sikander Ali Chopdar for complainant through VC

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL (V.J.)



Order

24/06/2021

This petition has been filed under Section 482 of CrPC for protection of life and personal liberty of the petitioners.

Learned counsel for the petitioners submits that both the petitioners are major and are in live-in relationship in pursuance of agreement attested on 17.06.2021; but, the private respondents are not happy with it and they are threatening the petitioners. Given that their life and liberty is in danger, police protection may be granted to them.

Learned Public Prosecutor submits that appropriate directions may be issued.

Shri Sikander Ali Chopdar, learned counsel appears for the respondent No.5 and submits that he has filed an FIR No.260/2021 with the Police Station Ringus, District Sikar against the petitioner No.2 and hence, the petitioners cannot be extended police protection.

Heard. Considered.

Undisputedly, the petitioners are major and the petitioner No.1, the girl is residing with the petitioner No.2 out of her free will. Being major, she is entitled to reside with the person of her choice. Therefore, the objection raised by the learned counsel for the respondent No.5 is not tenable.

In view of the order intended to be passed in the petition, being non-prejudicial to the remaining private respondents, no notices are required against them.

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 & Ors. [(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 Rajasthan Police Act, 2007 every police officer is duty bound to protect the life and liberty of the citizens.

Therefore, in light of 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 registered post/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.

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.

(MAHENDAR KUMAR GOYAL (V.J.)),J

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