

Court No. - 5

WWW.LIVELAW.IN

Case :- WRIT - C No. - 14146 of 2021

Petitioner :- Baby And Another

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Arjun Singh Solanki

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

This Court has perused the personal affidavit filed by Kalanidhi Naithani, Senior Superintendent of Police, Aligarh and finds that it is not entirely undisputed that the Police have not interfered into the privacy and liberty of the first petitioner, Smt. Baby. Rather, it is admitted in paragraph no. 4 of the affidavit that on a missing report lodged by the brother of respondent no. 2 at Police Station, Dadon, a Sub-Inspector Dinesh Chandra Yadav went to village Pritam Nagar, District Kasganj on 18.05.2021, where he found that the first petitioner is living with the second petitioner of her free will. There is no dispute about the fact that the first petitioner is staying with the second petitioner of her free will.

The question is whether the Police have harassed her and asked her to go back and join the company of her husband. There is then *prima facie* a telltale entry made in the G.D. dated 08.05.2021, where a statement is attributed to the first petitioner that she is staying with the second petitioner according to her free will and has married him. It is never the first petitioner's case that she has married Mukesh. It is rather her case that her husband has thrown her out of the parties' matrimonial home and she has sought shelter with Mukesh, once her brothers and uncles have refused to provide her shelter.

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The affidavit of the Senior Superintendent of Police, Aligarh *prima facie* betrays an insensitive approach. Nevertheless, before forming any further opinion in the matter, one more opportunity is granted to the Senior Superintendent of Police, Aligarh to inquire into the matter and report to this Court, whether indeed, Officers subordinate to him are harassing the first petitioner.

Prima facie the circumstances do indicate that the Police are being busy body in this matter and peeping into the private life of the first petitioner, rather than bringing some succour to her.

Let a further affidavit be filed by the Senior Superintendent of Police, Aligarh, which shall be his personal affidavit, within **three days next**.

Lay this matter as fresh again on **14.07.2021 at 02:00 p.m.**

An affidavit has also been filed by Manoj Kumar Sonkar, the Superintendent of Police, Kasganj. The Court has looked into the said personal affidavit. No further affidavit is required to be filed by him in the matter, as it is the Aligarh Police, who have troubled the first petitioner.

Let this order be communicated to the Senior Superintendent of Police, Aligarh by the Registrar (Compliance) **forthwith**.

Order Date :- 9.7.2021

Deepak

Court No. - 1

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In compliance with the order dated 09.07.2021, the Senior Superintendent of Police, Aligarh has filed a further personal affidavit including therewith an inquiry report dated 11.07.2021 submitted by the Circle Officer, Atrauli, Aligarh to the Senior Superintendent of Police, Aligarh. The inquiry report submitted by the Circle Officer dispels the petitioner's stand that the petitioners were threatened by S.I. Dinesh Chandra from Police Station Dadon, Aligarh in any manner or that the Police have harassed her while she was staying in village Preetamnagar, Police Station Sikandarpur, District Kasganj with her friend Mukesh, petitioner no. 2. Statements of the petitioner are said to have been recorded by the Circle Officer as also of the village Pradhan.

The personal affidavit of the Senior Superintendent of Police dated 12.07.2021 is in the nature of a counter affidavit. Learned counsel for the petitioner who has received a copy of the same in Court today, shall file a rejoinder affidavit, if he so desires, within a week.

List this matter in the additional cause list on 26.07.2021.

Learned counsel for the petitioner, however, submits that according to his instructions, the petitioners were indeed harassed by the Police but after orders of this Court, the Police have relented.

Be it as it may, it is ordered that until further orders, no Police officer from District Aligarh or Kasganj shall harass the petitioners, compel or even advise the first petitioner to go back to her matrimonial home.

Let this order be communicated to the Senior Superintendent of Police, Aligarh and the Superintendent of Police, Kasganj for the purpose of ensuring strict compliance, by the Registrar (Compliance) within **24 hours**.

Order Date :- 16.7.2021

Brijesh Maurya