

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.

The first petitioner Baby, wife of Atendra Singh, was married according to the social norms by her brothers Dinesh and Rejveer and uncles (*Mama*) Veerpal and Veerendra, with the second respondent. She has complained that she was beaten by her husband and subjected to domestic violence, mental and physical cruelty. She complained to her brothers and uncles regarding dowry demand and cruelty meted out to her by her husband but they did not take any notice. It is submitted that on 02.05.2021, petitioner No.1 was beaten by her husband and his relatives and thrown out of the matrimonial home as her brothers could not make good the demand for dowry. It has been averred in paragraph No.8 of the writ petition that after she was thrown out of the matrimonial home, her brothers and uncles, who had settled her marriage, refused to give shelter leaving her with no option but to take refuge in her friend's house, that is to say, Mukesh at Kasganj. A written complaint, in this regard on 03.05.2021 was made by the first petitioner at Police Station Dadon, District Aligarh, a true copy whereof is annexed as Annexure-No.1 to the writ petition. The first petitioner now is being harassed by the local police at the instance of her husband, who are compelling

her to go back to her matrimonial home. The first petitioner says that she has apprehension that she would be killed by her husband and his relatives for dowry.

Learned Standing Counsel submits that if this is the petitioner's case, she ought to have lodged a First Information Report under Section 498A and for other cognate offences and on that basis, has opposed the motion to admit this petition for hearing.

Prima facie, this Court finds much substance in what the first petitioner says and the relief that she seeks. The petitioner's grievance is not about merely the offence of which she has become a victim or the matrimonial cruelty. She has been thrown out from her matrimonial home and refused to be given shelter by her brothers and uncles. She has been destituted by all those who ought to have taken care of her. Moreover, the police are also said to be harassing her.

Learned counsel for the petitioner is permitted to implead Dinesh and Rajveer, the first petitioner's brothers and Veerpal and Veerendra, the first petitioner's uncles with their complete parentage and address as party respondents to this writ petition within **48 hours**.

The petitioner *prima facie* is a deserted woman, who has no where to go and is now facing harassment at the hands of the respondents, including the police to go back to her husband where she may become a victim of matrimonial cruelty, and may be, face danger to her life.

Notice on behalf of respondent Nos. 1,3,4,5, 6 and 7 is accepted by Mr. Sharad Chandra Upadhyay, learned State

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Law Officer. He is granted two days time to seek instructions.

The Senior Superintendent of Police, Aligarh and the Superintendent of Police, Kasganj shall file their personal affidavits in the matter and indicate why the first petitioner is being harassed by the police to go back to her husband.

Lay this matter as fresh again on **09.07.2021 at 02:00 pm.**

By that time, the personal affidavits of both the Officers shall be filed. In the event the said affidavits are not filed, the Senior Superintendent of Police, Aligarh and the Superintendent of Police, Kasganj, shall appear in person and report their presence before the Registrar General. In case the required personal affidavits are filed, the Officers need not appear.

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

Order Date :- 7.7.2021

NSC