

Rijwana and another ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mazlish Khan, Advocate,
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Ms. Rosi, Advocate,
for respondent No.6.

(Presence marked through video conference).

CRM No.687 of 2021

For the reasons stated in the application, same is allowed and affidavit contained at Annexure P-5 is taken on record, subject to all just exceptions.

MAIN CASE

Petitioners are before this Court under the extra ordinary writ jurisdiction to seek protection qua their life, invoking Article 21 of the Constitution of India. They claim to be married as per Muslim Rights and Customs.

2. Petitioner No.2 claims to have legitimately remarried after divorcing his first wife i.e. respondent No.6. While on the other hand, on advance knowledge of the instant petition, learned counsel for respondent No.6 joins the proceedings and strongly controverts the averments of the petition. She submits that petitioner No.2 and respondent No.6 continue to be married, as the purported

divorce given by petitioner No.2 is not cognizable under the law. She further submits that petitioner No.2 claims to have divorced respondent No.6 by triple Talaak having pronounced "Talaak Talaak Talaak" three times to her. She contends that Triple Talaak is not recognized in law and even as per Muslim Rights it is not a legitimate divorce. She further submits that, in fact, the petition had been filed with an oblique motive to create a defense in the criminal proceedings registered against petitioner No.2 bearing FIR No.25 dated 26.05.2021 under Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 and Sections 420/467/468/120-B IPC and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 registered at Women Police Station, Palwal.

3. Having heard rival contentions of learned counsel, as noted herein above, no ground to interfere in the present proceedings are made out. It is open to the private parties to seek other appropriate remedies, as may be available to them under the law. However, in the interest of justice, to the limited extend only for protecting the life and liberty of petitioner No.1/second wife, who may have been misled into her marriage with petitioner no.1, respondent No.2 i.e Superintendent of Police, Palwal, is directed to look into her threat perception as per representation dated 29.05.2021 (Annexure P-4) and in case there is any substance in the same, he may take appropriate steps in accordance with law, for grant of protection of life and liberty to petitioner No.1.

Present petition stands disposed of.

JUNE 15, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No