

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Writ Petition No. 2034/2026

1.

Amtulla W/o Salim, Aged About 32 Years, R/o Badli Manda At Present Residing At Hajiyo Ki Dhani Didaniya Tehsil Pokaran District Jaisalmer Rajasthan At Present At Gomat District Jaisalmer Rajasthan.
2.

Salim S/o Sadeek Mohammad, Aged About 32 Years, R/o Gomat Jaisalmer Rajasthan

-----Petitioners

Versus

1.

State Of Rajasthan, Through Chief Secretary Ministry Of Home Affairs Jaipur Rajasthan
2.

The Superintendent Of Police, Jaisalmer
3.

The Station House Officer, Police Station Pokaran District Jaisalmer
4.

Addul Vahid S/o Noor Mohammad, R/o Badla Manda Tehsil Pokaran District Jaisalmer
5.

Fajaldeen S/o Ahmad Khan, R/o Didaniya Pokaran Jaisalmer
6.

Saeek Khan S/o Noor Mohammad, R/o Didaniya Pokaran Jaisalmer
7.

Rashid Khan S/o Sadeek, R/o Didaniya Pokaran Jaisalmer
8.

Islamudeen S/o Kadar Khan, R/o Chadcha Pokaran Jaisalmer
9.

Bashir S/o Kadar Khan, R/o Chadcha Pokaran Jaisalmer

-----Respondents

For Petitioner(s)

:

Mr. Praveen Bhati

For Respondent(s)

:

Mr. Ram Choudhary, Public Prosecutor

HON'BLE MS. JUSTICE REKHA BORANA
Order

08/05/2026

1.

The present Criminal Writ Petition has been preferred by the petitioners under Article 226 of the Constitution of India seeking issuance of appropriate directions to the official respondents for providing them protection, on the ground that they apprehend threat to their life and personal liberty at the hands of the private respondents.

2. As per the pleadings, the petitioners claim to have attained the age of majority and to be of marriageable age and assert that they have solemnized their marriage on 01.05.2026. It is further stated that they are residing together as husband and wife and the private respondents who were against the said marriage, are extending threats, giving rise to an apprehension to the life and personal liberty of the petitioners.

3. A Co-ordinate Bench of this Court, while dealing with the issue in **Nitu & Anr. Vs. State of Rajasthan & Ors.; S.B. Criminal Writ Petition No.1/2026** (decided on 05.01.2026) held as under:-

"4. Upon perusal of the record, this Court is of the considered view that the right to life and personal liberty is a fundamental right guaranteed to every individual under the Constitution, and the same cannot be compromised under any circumstances. No person can be deprived of his or her life or personal liberty except in accordance with the procedure established by law and apprehension relating to life and personal liberty, if asserted, deserves to be examined by the competent authority. The assessment of threat perception and the necessity of protection are matters falling within the domain of the police authorities, who are duty bound to ensure maintenance of law and order and to prevent any person from taking the law into his or her own hands."

4. In view of the above position of law, the writ petition is **disposed of** with a direction that the petitioners shall appear before the Superintendent of Police, Jaisalmer within a period of

ten days from today and submit a representation clearly indicating the persons from whom they apprehend threat or harm. Upon such appearance, the Superintendent of Police, Jaisalmer shall afford an opportunity of hearing to the petitioners and, if deemed necessary, to the concerned private respondents, examine the grievance, deliberate over the issue and calibrate the threat perception and, if the circumstances so warrant, pass appropriate orders in accordance with law so as to ensure that no harm is caused to the petitioners by the private respondents. If required, the Superintendent of Police, Jaisalmer may communicate and coordinate with the concerned Station House Officer, Jaisalmer for the purpose of effective assessment and implementation of appropriate measures.

5. It is clarified that this Court has not recorded any definitive finding with regard to the legitimacy of the relationship claimed by the petitioners/the validity of the alleged marriage or the genuineness of the documents relied upon by them, and all such aspects shall remain open for enquiry and investigation by the competent Authority, in accordance with law. It is further made clear that any observation made herein shall not affect any civil or criminal proceedings, if any, pending or to be initiated in accordance with law.

6. Pending applications, if any, also stand **disposed of**.

(REKHA BORANA),J