

**Court No. - 39**

**Case :-** WRIT - C No. - 5455 of 2021

**Petitioner :-** Smt. Surabhi

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Ankit Agarwal

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mrs. Sunita Agarwal,J.**

**Hon'ble Mrs. Sadhna Rani (Thakur),J.**

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The petitioner herein is seeking protection from her husband, who is respondent No. 4 in the present writ petition. It is stated that the petitioner has left her matrimonial house in view of anti social activities of respondent No. 4 and is now living with one Mohit in a live-in relationship.

The assertion in the writ petition is that a representation/application has been moved by the petitioner before the Chairman, Human Rights Commission, New Delhi, seeking protection from her husband.

However, it is admitted fact of the matter that the petitioner has not moved any application under the relevant provisions such as Domestic Violence Act and Indian Penal Code, for any threat or act of violence of her husband. It is admitted fact of the matter that the petitioner has not even filed any petition under Hindu Marriage Act for divorce.

In view of the said admitted fact, the vague plea in the writ petition that the respondent No. 4, husband of the petitioner, is harassing her, cannot be entertained.

The writ petition is, thus, devoid of merit and is dismissed.

**Order Date :-** 21.6.2021

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