

## **Dhanlaxmi Urf Sunita Mathuria & Anr Vs State Of Rajasthan & Ors**

**Court:** Supreme Court Of India

**Date of Decision:** Feb. 12, 2025

**Hon'ble Judges:** Sudhanshu Dhulia, J; Ahsanuddin Amanullah, J

**Bench:** Division Bench

**Final Decision:** Dismissed

### **Judgement**

Sudhanshu Dhulia, J

1. The petitioners had filed a Habeas Corpus petition before the High Court of Rajasthan, alleging that their mother was in unauthorized detention of

the private respondents and the police could not trace their mother despite missing reports filed by the petitioners. However, during the pendency of

the writ petition, the petitioners' mother returned home and consequently, the High Court vide order dated 04.07.2024 dismissed the Habeas

Corpus Writ Petition as having become infructuous.

2. As per the petitioners, during the course of hearing of the Habeas Corpus petition, the police officials made a statement, asserting that a divorce

decree has been passed with respect to the marriage between Petitioner no. 1 and her husband; and that Petitioner no. 1's husband got remarried.

Further, petitioner no.1 claims that she requested the High Court, to direct the concerned police officials to furnish a clarification explaining the

veracity of such statements. This request was accepted by the High Court, but on the next date of hearing, the Habeas Corpus petition itself was

dismissed as being infructuous, since the Petitioners' mother had returned home.

3. Thereafter, the petitioners sought review of the order dated 04.07.2024 by which the Habeas Corpus petition was disposed of. This review petition

was dismissed on 23.07.2024 as no case was made out to recall the previous order. The Petitioners did not stop here. In August 2024, they filed a

miscellaneous application before the High Court praying that the previous orders dated 04.07.2024 and 23.07.2024, should be looked into and an

explanation must be sought from the police authorities, clarifying the basis on which they made statements regarding the divorce of petitioner no. 1.

This miscellaneous application has been dismissed vide the impugned order. Now, before us, the petitioner no.1 is alleging that she was humiliated in

open court during the hearing of the Habeas Corpus petition and the High Court ought to have sought an explanation from the concerned police

officials as stated above.

4. We have heard the petitioners, who appeared in person before this Court. The primary grievance of petitioner no.1 is that she has been humiliated

and defamed in open court due to the statements made by the concerned police officials regarding her matrimonial life. According to petitioner no. 1,

initially the High Court passed an order dated 30.05.2024 in the Habeas Corpus petition, directing the police authorities to submit in writing the basis on

which the concerned remarks were made. Here, we would like to reproduce the High Court's order dated 30.05.2024, which is as follows:

"Learned GA&AAG has produced the status report.

We have perused the status report.

Learned GA&AAG seeks four weeks' time to produce the corpus.

Time prayed for is allowed.

List the matter on 04.07.2024

This order of the High Court does not even remotely support the contentions of the petitioners. From a bare perusal of the record and especially the

order dated 30.05.2024, it is but apparent that no such directions to the police authorities, as alleged by the petitioners, were given by the High Court.

5. The grievance of petitioner no.1, that she has been defamed by the statements of the police officials and was humiliated in open court, is totally

misconceived. Even if such statements were made before the High Court, we are unable to understand how it has caused any humiliation to petitioner

no.1.

6. During court proceedings, many statements are made and questions are posed which may make a person uncomfortable, but all such statements or

questions cannot be misconstrued as humiliating a person. After all, it is the duty of the Court to reach the truth of the matter and such exercise may

demand putting forward certain questions and suggestions which may be uncomfortable to some.

7. In the present case, the petitioners had simply approached the High Court, alleging that their mother had been unlawfully detained; and a quietus

was given to the case when their mother returned home and thus, habeas corpus petition was disposed of. Thereafter, nothing was left in the matter

and the subsequent review petition, miscellaneous application as well as the present petition filed by petitioners are totally misconceived. Before this

Court, the petitioners argued inÃ, person and made unusual and unwarranted prayers, which cannot be granted by this Court and considering the same,

the present petition is hereby dismissed.

8. Pending application(s), if any, stand(s) disposed of.