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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.15545 of 2017

Date of Decision: 03.05.2017

Kaula and another

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohd. Salim, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

Petitioners are Muslims by religion. Learned counsel for the petitioners submits that they have performed their Nikahnama on 01.05.2017 as per Muslim rites and ceremonies.

In this petition, petitioners have prayed for issuance of necessary directions to the official respondents to protect their lives and personal liberties from being invaded by the private respondents. Petitioners claimed themselves to be major and have contracted marriage/Nikahnama on 01.05.2017 according to their own sweet will, but against the wishes of their family members. Nikahnama (Annexure P3) and photographs of marriage/Nikah (Annexure P4) are sought to be pressed into

service in order to project validity of marriage.

In the context of threat perception at the hands of private respondents, petitioners have prayed for necessary directions for safeguarding their personal civil and legal rights. In the aforesaid context, petitioners have allegedly moved representation dated 01.05.2017 (Annexure P5) to Senior Superintendent of Police, Hoshiarpur.

Notice of motion to respondents No.1 to 3.

On the asking of the Court, Mr. Shilesh Gupta, Addl, AG, Punjab accepts notice on behalf of State-respondents No.1 to 3.

At this juncture, this Court is not in a position to comment upon the validity of marriage/Nikah and majority of the petitioners in terms of their respective ages, however, respondent No.2 can be asked to have a fair look on the grievance of the petitioners in order to ascertain veracity of allegations made by the petitioners. Respondent No.2 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. In case respondent No.2 finds that there is some truth in the allegations of the petitioners, then he/she shall proceed to take appropriate action in accordance with law.

The aforesaid order is being passed at this stage without meaning anything on the merits of the case. Respondent No.2 would pass necessary order without being influenced by any observation made by the Court in terms of pleadings at this stage. This order shall not debar the official respondents from proceeding against any of the party in accordance with law in case they are involved in some other case. It would be appreciated if the representation filed by the petitioners is decided within a period of one month from today keeping in view the threat perception shown by the petitioners.

Petition stands disposed of.

May 03, 2017
prince.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No