

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Writ Petition No.3043 of 2020

Date of Decision: May 08, 2020

Balwinder Singh & another

...Petitioners

Versus

The State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ankit Aggarwal, Advocate,
for the petitioners.

MANOJ BAJAJ, J.

Petitioners have brought this petition for issuance of a writ in the nature of mandamus for directing the official respondents to protect their life and liberty and further to restrain respondent Nos.4 and 5 from interfering in their peaceful life.

Learned counsel contends that the petitioners are in live-in relationship and have an intention to get married. It is pointed out that their decision is being opposed by the parents of petitioner No.2, i.e., respondent Nos.4 and 5 and, therefore, they have a valid cause of action to approach this Court to seek protection. In support of the argument, reliance is placed upon a decision of this Court delivered in Criminal Misc.-M No.22207 of 2017 (Annexure P-4), wherein, according to him the petition on behalf of similarly situated couple was decided by giving directions to the Senior Superintendent of Police. Attention of this Court is further invited to the representation dated 20.04.2020 (Annexure P-3) allegedly given to the Senior Superintendent of Police, SBS Nagar (Nawanshaher), wherein the

police protection was demanded by them, however, no protection has been granted so far.

During the course of hearing, it is not disputed by the learned counsel that the petitioner No.2 is a minor and no marriage has been solemnized by them. A perusal of the petition further reveals that the alleged relationship between the petitioners is more than three years old and the private respondents are aware of it. Nothing is mentioned in the petition as to how petitioner No.1 came in contact with petitioner No.2 and in what manner the alleged threat was extended by respondent Nos.4 and 5. The relief sought is in the nature of injunction and the petition is supported with an affidavit of petitioner No.1 alone.

When confronted with the maintainability of the petition as the minor is not properly represented, learned counsel contends that petitioner No.1 is well within his rights to act as a guardian of petitioner No.2 being a friend. The argument of the learned counsel is not worth acceptance, in the absence of any convincing material regarding his status as a next friend of the minor, particularly when the claim is directed against minor's parents (natural guardians).

There is no pleading in the petition that petitioner No.1 is acting for welfare of petitioner No.2 and his interest is not adverse to the interest of the minor. The reliance placed upon by the learned counsel on the decision of this Court may not be helpful as the question of valid representation of minor was not dealt with in the said case. Even otherwise, the decision cannot be treated as a binding precedent as the Court had relegated the petitioners therein before the Senior Superintendent of Police, Gurdaspur to look into their matter.

In view of the above, this Court does not find any reason for invoking extra-ordinary writ jurisdiction.

Petition is dismissed.

May 08, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No