

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

CRWP No.3318 of 2020

Date of decision : June 01, 2020

Urmila and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tushar Gautam, Advocate for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The petitioners are seeking a direction from this Court to respondent Nos.1 to 4 to protect their life and liberty as they have solemnized marriage on 27.05.2020 against the wishes of the parents of petitioner No.1. According to the averments made in the present writ petition, petitioners have threat to their life as well as liberty at the hands of respondent Nos.5 to 10 i.e. parents/relatives of petitioner No.1.

Learned counsel for the petitioners argues that both the petitioners are major and have solemnized marriage according to Hindu Rites on 27.05.2020 and they want to live their independent life without any interference from the parents/relatives of petitioner No.1 i.e. respondent Nos.5 to 10.

Notice of motion.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana as well as Mr. Kawalpreet Singh Virk, Advocate, who have joined the proceedings through video conference, keeping in view the service of advance copy of petition,

accept notice on behalf of State of Haryana-respondent Nos.1 to 4 and respondent Nos.5 to 10, respectively.

Learned counsel appearing on behalf of respondent Nos.5 to 10 undertakes that none of the private respondents will harm the petitioners in any way or interfere in their life or restrict their liberty in any way. Learned counsel for respondent Nos.5 to 10 submits that petitioner No.1 is minor as her date of birth is 18.11.2002 and therefore, the marriage solemnized by the petitioners is void.

This Court is not adjudicating upon the marriage solemnized by the petitioners. This Court is only concerned with regard to threat to the life and liberty of the petitioners.

From the perusal of the file, it transpires that the petitioners have given a representation dated 27.05.2020 (Annexure P-4) to respondent No.3 for providing police protection and also to ensure that life and liberty of the petitioners is not hindered in any manner by the private respondents.

Without going into the merits of the case or the claim made by the respective parties, the present writ petition is disposed of with a direction to respondent No.3 to take appropriate action, if needed, by passing appropriate order on the representation dated 27.05.2020 (Annexure P-4) filed by the petitioners within a period of one month from the date of receipt of the copy of this order. While deciding the representation, respondent Nos.3 will also verify as to whether petitioner No.1 is minor or not. In case, it is found by respondent No.3 that petitioner No.1 is minor and according to her wishes, she does not want to live with her parents, respondent No.3 will ensure that she is sent to the Nari Niketan or any other

female shelter home in Jind or a nearby area, where the said facility is available and petitioner No.1 is safe till she attains the age of majority. Petitioner No.1 will be free to decide where she wants to live after attaining the age of majority.

It is clarified that this order shall not be treated as an approval of this Court regarding the marriage of the petitioners and no opinion with regard to the validity of their marriage has been expressed in this order.

(HARSIMRAN SINGH SETHI)
JUDGE

June 01, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No