

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

CRWP No.4485 of 2020 (O&M)

Date of decision : July 07, 2020

Yousaf Din and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Liaqat Ali, Advocate for the petitioners.

Mr. Amaninder Preet Singh, Advocate
for respondent Nos.4 to 6.

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 respondents No.1 to 3 to protect their life and liberty as they apprehend danger to their life & liberty from respondents Nos.4 to 6 i.e. parents/relatives of the petitioner No.2, who are objecting to the marriage solemnized by the petitioners. Learned counsel for the petitioners argues that it is most likely that the private respondents might cause physical harm to the petitioners as they have solemnized the marriage against the wishes of respondent Nos.4 to 6.

Learned counsel for the petitioners further argues that the petitioners have solemnized marriage and now residing in the territorial jurisdiction of this Court in District Pathankot and as they have solemnized marriage against the wishes of private respondents i.e. respondent Nos.4 to 6, they are receiving threats in respect of their life and liberty.

Learned counsel for the petitioners states that for seeking protection, the petitioner have already filed a representation dated

25.06.2020 (Annexure P-5) before respondent No.2-the Senior Superintendent of Police, Pathankot and the same is still pending consideration with the said authority.

Notice of motion to respondent Nos.1 to 3 only.

Mr. Dhruv Dayal, Sr. DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Punjab-respondent Nos.1 to 3.

Learned counsel appearing on behalf of respondent Nos.4 to 6 states that petitioner No.2 has not attained the marriageable age even as per Muslim Law, therefore, the said marriage, if contracted is void marriage. Learned counsel for respondent Nos.4 to 6 further states that both the petitioners are permanent resident of Jammu and Kashmir and therefore, their claim as raised in this petition, be not entertained by this Court.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The prayer of the petitioners before this Court is for protecting their life and liberty. This Court is not called for to adjudicate about the validity of the marriage between the petitioners in this petition.

Learned counsel for the petitioners states that after the marriage, the petitioners are residing in the village Basruf, Tehsil and District Pathankot. That being so, this Court has the jurisdiction to decide the prayer of the petitioners in respect of the allegations of threat to their life and liberty at the hands of the private respondents.

Learned counsel for respondent Nos.4 to 6, on instructions from respondent No.4 i.e. father of petitioner No.2, states that respondent Nos.4 to 6 are law abiding citizens and will not take any action, which involves the threat to the life and liberty of the petitioners.

Without making any observation on the merits of the case, especially in respect of the validity of marriage performed by the petitioners, a direction is issued to respondent No.2 to take appropriate decision on the representation, which the petitioners alleged to have made on 25.06.2020 (Annexure P-5), expressing apprehension about danger to their life and liberty at the hands of respondents Nos.4 to 6 within a period of one month from the date of receipt of the copy of this order. In case any merit is found in the representation, the appropriate action will be taken by respondent No.2 to ensure that no harm is caused to the life and liberty of the petitioners at the hands of the private respondents.

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

The writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

July 07, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No