

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

Sr.No.109

CRWP No.7239 of 2020

Date of Decision: 18th September, 2020.

Jasmeen Kaur & Anr.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

(Heard through video conferencing)

CORAM: HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioners.

Mr. Prabhjot Singh Walia, Asstt. AG, Punjab.

MEENAKSHI I. MEHTA (ORAL)

By way of the instant petition, the petitioners have sought the indulgence of this Court for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect their life and liberty as they apprehend threat to the same at the hands of respondents No.4 to 7 as they (petitioners) have solemnized their marriage against the wishes of these respondents. It has also been mentioned in the petition that the petitioners have already moved a representation (Annexure P-5) to respondent No.2-Senior Superintendent of Police, Patiala, on 12.09.2020, in this regard.

It will not be out of place to mention here that in para No.7 of the petition, the petitioners have disclosed that a criminal case was registered against petitioner No.2 vide FIR bearing No.189 on 20.11.2018 at Police Station Passiana, District Patiala, under Sections 363, 366-A IPC

and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and after being released in pursuance of the order passed by this Court on 10.01.2020, petitioner No.2 has solemnized the marriage with petitioner No.1 subsequent to her release from Gandhi Vanita Ashram on 09.09.2020.

Notice of motion to respondents No.1 to 3 only.

At the asking of the Court, Mr. Prabhjot Singh Walia, Asstt. AG, Punjab, accepts notice on behalf of respondents No.1 to 3.

Heard.

Learned counsel for the petitioners restricts his prayer to issuance of a direction to respondent No.2 to take appropriate action on the said representation (Annexure P-5).

Learned counsel for the State has no objection for the same.

Undisputedly, the protection of the life and liberty is a fundamental right of every citizen as enshrined in Article 21 of the Constitution of India. Therefore, without expressing any opinion on the legality and validity of the marriage, as stated to have been solemnized between the petitioners, respondent No.2-Senior Superintendent of Police, Patiala, is hereby directed to look into the said representation (Annexure P-5) and if it is found that the petitioners genuinely deserve any protection, then to take appropriate action in accordance with law.

However, it is specifically clarified here that nothing contained in this order shall, in any way, be considered to be an expression of the opinion of this Court on the merits of the criminal case arisen out of

the above-mentioned FIR, in respect of which the trial proceedings are stated to be pending against petitioner No.2 and this order shall also not be construed to be a shield to the petitioners against any other proceedings initiated or that may be initiated by the competent Authority/person on account of their marriage and permissible under any relevant provisions of law.

This petition stands disposed of.

(MEENAKSHI I. MEHTA)
JUDGE

18.09.2020.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No