

**113 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRWP-8155-2020

Date of decision: 08.10.2020

Shalini Thakur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

PRESENT: Mr. SK Gupta, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

The present criminal writ petition has been filed under Article 226 of the Constitution of India for enforcement of fundamental right of the petitioners seeking protection of their life and liberty as enshrined under Article 21 of the Constitution of India.

In brief, the facts relevant to the present case are that both the petitioners in the present case are major. As per the averments made in the petition, this is the first marriage of petitioner No. 1-Shalini Thakur and the second marriage of petitioner No. 2-Amit Pathania, who is stated to have got a divorce from his first wife on 16.03.2018. It has further been averred in the petition that the petitioners have since solemnized their marriage on 05.10.2020 according to Hindu Rites and Ceremonies, against the wishes of their relatives i.e. respondents No.4 and 5. The petitioners have also moved a representation dated 05.10.2020 (Annexure P-5) to the Senior Superintendent of Police, Hoshiarpur, respondent No.2, for protection of their life and liberty. However, no action has been taken till date.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab has joined the session through video conferencing and accepts notice on behalf of the official respondent Nos.1 to 3.

Heard learned counsel for the parties.

Since this Court is not deciding the case on merits, the service of notice on the private respondents is dispensed with.

In the present case though the issue in hand is not regarding the validity of marriage of the petitioners but that the petitioners are seeking protection of their life and liberty as envisaged under Article 21 of the Constitution of India. Though an averment has been made that petitioner No.2 has since got a divorce from his first wife, but no proof thereof has been annexed with the petition.

However, this Court cannot shut its eyes to the fact that apprehension of threat to the life and liberty of the petitioners needs to be addressed. Article 21 of the Constitution of India provides for protection of life and personal liberty and further lays down that no person shall be deprived of his or her personal liberty except according to the procedure established by law.

In view of the above and without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioners, the present petition is disposed off with a direction to respondent No. 2-Senior Superintendent of Police, Hoshiarpur to decide the representation dated 05.10.2020 (Annexure P-5) after hearing all the parties concerned and take necessary action as per law.

It is, however, made clear that this order shall not, in any manner, be construed as an expression of opinion on the veracity of the statement made by the petitioners or on the validity of the marriage and shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

The petition is disposed off accordingly.

October 08, 2020

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**(ALKA SARIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No