

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

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**CRWP-9540-2020 (O&M)
Date of decision : 18.11.2020.**

Balvir Kaur and Another

.....Petitioners

Vs.

State of Punjab and Others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sahil Goel, Advocate, for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present criminal writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the behest of respondent Nos. 4 to 6.

Learned counsel for the petitioners has contended that the petitioners have known each other and have been good friends for the last one year. They decided to solemnize their marriage. Though the parents of petitioner No.2 were agreeable to the marriage but the family of petitioner No.1 was not agreeable. Both the petitioners are major in this case, date of birth of petitioner No.1 being 19.04.1997 (a copy of her Adhaar card has been annexed as Annexure P-1) and date of birth of petitioner No.2 being 02.02.1993 (a copy of his Adhaar card has been annexed as Annexure P-2). The petitioners are stated to have solemnized their marriage on 11.11.2020 as per Hindu Rites and Ceremonies at Prachin Pashupati Nath Shiv Mandir, MDC, Sector-6, Panchkula. The petitioners apprehend threat to their lives

and liberty at the hands of respondent Nos.4 to 6 and, for the said reason, have also filed a representation dated 11.11.2020 (Annexure P-4). However, no action has been taken.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab has put in appearance on behalf of the State through video conferencing and accepts notice. A copy of the petition has already been supplied to him. Mr. Padamkant Dwivedi, Advocate has joined the session through video conferencing and accepts notice on behalf of respondent Nos.4 to 6. Mr. Dwivedi, on instructions, states that respondent Nos.4 to 6, at this stage, would like to meet the petitioner No.1 in view of the fact that petitioner No.2 is alleged to have been convicted for kidnapping of a girl and they fear for the safety of their daughter, petitioner No.1 herein. However, Mr. Sahil Goel, Advocate, on instructions from petitioner No.1, has stated that petitioner No.1 is not agreeable and ready to meet her parents.

Heard the learned counsel for the parties.

The present petition is for protection of life and liberty of the petitioners as envisaged under Article 21 of the Constitution of India. Article 21 envisages that no person shall be deprived of his or her right to life and personal liberty except in accordance with the provisions established by law. Both the petitioners in the present case are majors and have solemnized their marriage on 11.11.2020 without any coercion and as per their own will. The petitioners have also given a representation dated

11.11.2020 (Annexure P-4) to respondent Nos.2 and 3. However, no action has been taken on the said representation.

In view of the above, 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 of with a direction to respondent No.2 - Senior Superintendent of Police, Ropar, Punjab - to consider the representation dated 11.11.2020 (Annexure P-4) and take necessary action as per law. Since the petitioner no.1 is a major she cannot be forced to meet her parents, once she has expressed that she does not wish to meet them. However, keeping in mind the apprehension expressed by respondent Nos.4 to 6, respondent No.2 is directed to record the statement of petitioner No.1 with regard to the fact whether she has solemnized her marriage with petitioner No.2 on her own free will and without any coercion. In case the petitioner No.1 expresses, in any manner, that she has been forced into marriage with Petitioner No.2, respondent No.2 would take further steps in accordance with law.

It is, however, made clear that this order shall not, in any manner, be construed as an expression of the 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.

November 18, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No