

In the High Court of Punjab and Haryana at Chandigarh

CRWP-9939-2020

Date of Decision: 02.12.2020

RIYA AND ANOTHER

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravi Rana, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through Video Conferencing.

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents No. 2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No. 4 to 9.

Learned counsel for the petitioners submits that both the petitioners are major and they are living together in a live-in relationship. He further submits that parents of petitioners were informed, but they are issuing threats to the petitioners regarding their live-in relationship. The petitioner No.1 has already submitted a representation dated 24.11.2020 (Annexure P-3) to respondent No.2-Senior Superintendent of Police, Kaithal, for redressal of her grievance, but no action has been taken thereupon.

petitioners are living in a constant danger as they have every apprehension that private respondents No.4 to 9 would catch them and carry out their threats and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to posts for protection of their life and liberty.

In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by the Hon'ble Supreme Court in '*Nandakumar and another Vs. State of Kerala and others*' 2018(2) RCR (Civil) 899; and *Indra Sarma Vs. V.K.V. Sarma*' 2013(15) SCC 755.

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

On the asking of this Court, Mr. Apoorv Garg, DAG Haryana, accepts notice on behalf of respondents No.1 to 3. A complete set of paper-book has already been supplied to the learned State counsel.

Mr. Sourabh Goel, Advocate has appeared through Video Conferencing and filed power of attorney on behalf of respondents No.4, 5, 6 and 9 through email, the same is taken on record.

Learned counsel for respondents No.4, 5, 6 and 9 submits that Petitioner No. 2 did not have any source of income, petitioner No.1 was minor when the petition was filed and therefore the present petition is not maintainable.

Moreover, the parents of the petitioner No.1 have got registered the FIR against the petitioner No.2.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-*Senior* Superintendent of Police, Kaithal, to decide the representation dated 24.11.2020 (Annexure P-3), moved by the petitioner No.1 in accordance with law and grant protection to the petitioners, if any threat to their life and liberty is perceived.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law if any committed by them.

(HARNARESH SINGH GILL)
JUDGE

December 02, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No