

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP No.10134 of 2020
Date of Decision:- 07.12.2020

Radha Rani and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Harpal Singh Advocate
for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for the issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners, who are apprehending threat at the hands of private respondents, and to not interfere in the peaceful married life of the petitioners.

Learned counsel for the petitioners has submitted that petitioner No.1 (wife) is major and her date of birth is 15.11.1998 and she is more than 22 years of age. Aadhar Card of the petitioner is annexed as Annexure P-1. Petitioner No.2 (husband) is also major and his date of birth is 13.07.1996 and he is about 24 years of age and his Aadhar Card is also annexed as Annexure P-2.

Learned counsel for the petitioners has further submitted that both of them have performed the marriage with each other at their own free

will and consent on 01.12.2020 and the marriage certificate is also annexed as Annexure P-3. Both the petitioners are living happily with each other and now the parents of the girl, along with their relatives, who were against the said marriage are threatening the petitioners of dire consequences.

Learned counsel for the petitioners has referred to averments made in para No.6 of the petition, to contend that the petitioners have apprehended that in case the private respondents and their relatives/friends catch the petitioners, they will kill the petitioners by hanging them to death and therefore, they are running here and there for their safety. Therefore, learned counsel for the petitioners has prayed for grant of protection for their life and liberty.

Learned counsel for the petitioners has further submitted that vide Annexure P-4, even a representation dated 01.12.2020 was also made to the Senior Superintendent of Police, District Fazilka and the SHO, Police Station, Fazilka, District Fazilka but no action has been taken in this regard.

Notice of motion.

On the asking of the Court, Mr. Mehardeep Singh Dullat, Addl. AG, Punjab, accepts notice on behalf of respondents No.1 to 3.

At this stage, Mr. Lupil Gupta, Advocate has also appeared on behalf of respondents No.4 and 5. Respondent No.4 is the father of petitioner No.1 and respondent No.5 is the brother of petitioner No.1.

Mr. Lupil Gupta, has submitted that there is no dispute concerning the age of the parties and that petitioner No.1 is major and is of 22 years of age. He has further opposed the prayer for grant of protection to the petitioners on the ground that petitioner No.2 is not earning anything and he will not be able to maintain petitioner No.1 (wife) and the marriage

cannot succeed and therefore, they have already fixed the marriage of petitioner No.1 with somebody else which was going to be solemnized on 13.12.2020. He has further submitted that the statement of the girl may be recorded in this regard.

I have heard learned counsel for the parties.

So far as the factual position is concerned, the age of the petitioners is not in dispute. Furthermore, the marriage certificate of the petitioners has also been placed on record and there is nothing on the record to show that the marriage between the petitioners has not been performed. So far as the apprehension of father and brother of petitioner No.1 is concerned, the same would not carry any weight because now the petitioners have solemnized the marriage amongst themselves of their free will. Both of them are major and therefore, at this stage, the father and brother of the girl cannot oppose the prayer for grant of protection to the life and liberty of the petitioners.

The present petition is only for the protection of life and liberty of the petitioners which is a fundamental right under Article 226 of the Constitution of India. The prayer in the present petition is restricted only for grant of protection to the life and liberty of the petitioners which cannot be denied in the facts and circumstances of the present case.

Therefore, considering the totality of the facts and circumstances of the present case, it is directed that respondent No.3-SHO, Police Station, Fazilka shall assess the threat perceptions concerning the petitioners and in case, any threat exists, then further action be taken in accordance with the law. However, it is made clear that anything observed in the present case would not be deemed to be an observation on the validity

of the marriage solemnized between the parties and the present directions are issued only for the limited purpose for grant of protection of the life and liberty to the petitioners.

Accordingly, the writ petition is disposed of.

07.12.2020
D.Bansal

(JASGURPREET SINGH PURI)
JUDGE

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