

CRWP No. 10462 of 2020

Date of Decision: 16.12.2020

Sarita and another

.....Petitioners

Vs.

State of Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Veenus Malik, Advocate, for the petitioners.

Mr. Rajiv Vij, Addl. P.P., for U.T., Chandigarh.

Mr. Vijay Kumar, Advocate, for respondents no. 4 to 6.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 6, upon them having married each other (as contended) against the wishes of the said respondents, on 09.12.2020.

Though learned counsel for the petitioners at the outset submits that it is the first marriage for each of them with them also not in any prohibited relationship to each other, however, learned counsel appearing for respondents no. 4 to 6, i.e. the father, brother and uncle of petitioner no. 2, submits that petitioner no. 1 is 36 years old and has a 16 year old son, and that she was earlier married to someone else and therefore that statement is incorrect.

He further submits that even a “missing complaint” was filed in Police Post Sector 24, Chandigarh, by the father of petitioner no. 2, who is also respondent no. 4 in this petition and the matter was enquired into and as per petitioner no. 1, she is a widow.

Even before notice of motion has been issued, Mr. Rajiv Vij, learned Addl. P.P., for U.T., Chandigarh, appears and submits that as per instructions received by him on his query from ASI Satyaveer Singh from Police Post Sector 24, Chandigarh, no complaint has been received so far in this regard.

Be that as it may, admittedly even as per learned counsel for respondents no. 4 to 6, the petitioners are both well above the age of majority, with petitioner no. 2 also being 23 years of age.

Hence, with them seeking protection of life and liberty from this court, without making any comment on the validity of any marriage entered into by them, obviously, protection of such life and liberty is a basic fundamental right enshrined under Article 21 of the Constitution which they cannot be denied.

Consequently (without making any comment on the validity of any marriage performed between the petitioners, as contended, or otherwise), this petition is disposed of with a direction that the life and liberty of the petitioners shall be duly protected by respondents no. 2 and 3 within the parameters of law, at the hands of respondents no. 4 to 6 and any other person.

Of course if any person competent to challenge any marriage of the petitioners initiates any legal proceedings for the same, those proceedings would be dealt with wholly on their own merits.

December 16, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.