

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

-.-

**CRWP-10622-2020 (O&M)
Date of decision : 18.12.2020**

Raveena Rani and Another

.....Petitioners

Vs.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Mohit Sadana, Advocate, for the petitioners.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present criminal writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a direction to respondent Nos.2 and 3 to protect the life and personal liberty of the petitioners at the hands of respondent Nos.4 to 17.

Counsel for the petitioners has submitted that the petitioners are both major, the date of birth of petitioner No.1 being 20.12.2000 and that of petitioner No.2 being 17.06.1998. Both the petitioners eloped and solemnized their marriage on 14.12.2020 against the wishes of their parents and relatives. The petitioners have also given a representation dated 14.12.2020 (Annexure P-5) to respondent No.2 for providing protection for their life and liberty. However, no action has been taken on the same.

Learned counsel for the petitioner would further contend that at this stage the petitioners would be satisfied if the present petition is disposed off with a direction to the Senior Superintendent of Police,

Mansa (respondent No.2) to decide the representation dated 14.12.2020 (Annexure P-5).

Notice of motion.

On the asking of the Court, Mr. V.G.Jauhar, Senior DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of respondent-State.

Ms. Manmohan Dhaliwal, Advocate has put in appearance on behalf of respondent Nos.4 and 9, while Mr. Munish Behl, Advocate has appeared on behalf of respondent Nos.10, 12 and 13 through video conferencing.

Learned counsel for respondent Nos.4 and 9 has raised an objection that the petitioner No.2 is not working and hence would not be in a position to support petitioner No.1, who is the daughter of respondent No.4. A similar objection has raised by Mr. Munish Behl, Advocate who is appearing for the maternal uncles of petitioner No.1.

After hearing counsel for the parties, the case was passed over and the parties were sent before the Mediation and Conciliation Centre where they could meet and try to resolve their differences.

The matter has now been taken up post lunch. Learned counsel for the respondents have stated that petitioner No.1 has refused to accompany them and she has expressed her desire to remain with petitioner No.2.

Both the petitioners are major and have every right to live their lives as they desire within the four corners of the law. Society cannot determine how an individual should live her or his life. The

Constitution of India guarantees every individual the right to life and the choice of a partner is an important facet of the right to life. In the matter of *Shafin Jahan vs. Asokan K.M., (2018) 16 SCC 368*, the Supreme Court reiterated the right of choice of an adult. It was *inter alia* held:-

“86. The right to marry a person of one’s choice is integral to Article 21 of the Constitution. The Constitution guarantees the right to life. This right cannot be taken away except through a law which is substantively and procedurally fair, just and reasonable. Intrinsic to the liberty which the Constitution guarantees as a fundamental right is the ability to each individual to take decision on matters central to the pursuit of happiness. Matters of belief and faith, including whether to believe are at the core of constitutional liberty. The Constitution exists for believers as well as for agnostics. The Constitution protects the ability of each individual to pursue a way of life or faith to which she or he seeks to adhere. Matters of dress and of food, of ideas and ideologies, of love and partnership are within the central aspects of identity. The law may regulate (subject to constitutional compliance) the conditions of a valid marriage, as it may regulate the situations in which a martial tie can be ended or annulled. These remedies are available to parties to a marriage for it is they who decide best on whether they should accept each other into a martial tie or continue in that relationship. Society has no role to play in determining our choice of partner.”

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 Senior

Superintendent of Police, Mansa (respondent No.2) is directed to decide the representation dated 14.12.2020 (Annexure P-3) and take necessary action as per law.

It is, however, made clear that any observations made above shall neither be treated as a stamp of this Court qua the validity of the marriage nor as an opinion on the contentions raised in the present petition and shall also have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off accordingly.

December 18, 2020
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(ALKA SARIN)
JUDGE

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