

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

CRWP-10943-2020

Date of Decision: 30.12.2020

Khushbu @ Vishakha and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Ashok Kumar Verma

Present : Mr. Sutikshan Sharma, Advocate
for the petitioners.

ASHOK KUMAR VERMA, J.(Oral)

The matter has been taken up through video-conferencing on account of outbreak of Pandemic COVID-19.

Through this petition under Article 226/227 of the Constitution of India, prayer has been made for issuance of direction to official respondents to protect the life and personal liberty of the petitioners from the hands of respondents No.4 and 5.

Learned counsel for the petitioners contends that petitioner No.2-girl is major and petitioner No.1-boy is also major, though may not be of marriageable age as his age is 19 years 11 months which is less than 21 years of marriageable age. Learned counsel further contends that though both the petitioners have married, the fact remains that the petitioners have a right to live their life on their own terms as they are major. They have solemnized their marriage. However, the private respondents are not accepting their marriage and are adamant to separate them from each other by resorting to illegal means. Learned counsel further submits that in view of imminent danger to the life and liberty of the petitioners, petitioners have moved a representation dated 24.12.2020 (Annexure P-4) to respondent No.2- Superintendent of Police, Yamuna Nagar.

Notice of motion to official respondents No.1 to 3 only at this stage.

Notice to private respondents No.4 and 5 is dispensed with.

On the asking of the Court, Mr. Vishal Malik, DAG, Haryana accepts notice on behalf of respondents No.1 to 3.

I have heard learned counsel for the petitioners and the State and perused the paper book.

Although there is a dispute regarding the marriageable age of the boy yet the prayer is based on Article 21 of the Constitution of India and, therefore, deserves the immediate attention of the concerned police department to ensure that the petitioners are not unduly harassed by anybody including the private respondents. It is not for this Court in a matter relating to protection of life and liberty to engage itself in social mores, norms and human behaviour or introduce personal ideas on morality.

In view of the above, this petition is disposed of with a direction to the Superintendent of Police, Yamuna Nagar, to look into the representation of the petitioners (Annexure P-4) for seeking protection of life and liberty and if necessary, requisite steps be taken strictly in accordance with law for grant of protection of life and liberty of the petitioners. It is clarified that this order shall neither be treated as a stamp of this Court qua marriage of the petitioners nor any reflection on the merits of the contentions raised by them in the present petition.

(ASHOK KUMAR VERMA)

JUDGE

30.12.2020

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No