

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

CRWP-427-2021

Date of decision-21.01.2021

Devika and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Kumar, Advocate for the petitioners.

MANOJ BAJAJ, J.

By means of this writ petition under Articles 226/227 Constitution of India, petitioners have prayed for issuance of directions to official respondent Nos.1 to 3 to protect their life and liberty as they are facing threats at the hands of respondent Nos.4 to 7.

The facts in brief leading to the writ petition are that for the last six months, petitioner No.1 has been in contact with petitioner No.2, who fell in love and they decided to marry each other on attaining the age of majority. As per the pleadings, when the relationship of the petitioners came to the knowledge of private respondents, they turned against their alliance, therefore, the petitioners ran away from their respective houses on 08.01.2021 and are now living together. They apprehend that the private respondents would cause harm to them, so they submitted a representation dated 08.01.2021 (Annexure P-2) to Senior Superintendent of Police,

District Ferozepur, however, till date no action has been taken by the said officer. Hence this writ petition.

Learned counsel contends that though the petitioner No.1 is minor and she has decided to marry the petitioner No.2, but as the parents of the petitioner No.1 are against this alliance, therefore, they are apprehending threat to their life. He has further contended that the parents of the minor girl were compelling her for marriage with a person of their choice, so they both ran away on 08.01.2021 and started residing together. He submits that the grievance of the petitioners conveyed through the representation to respondent No.2 has not been addressed so far, therefore, the necessary directions be issued by providing protection to the petitioners. In support of his argument, learned counsel has placed reliance upon two decisions rendered by this Court in **LPA No.385-2016 (Elaichi and another Vs. State of Punjab and others)**, **CWP No.17069-2019 (Kawaljeet Kaur and another Vs. State of Punjab and others)** and order dated 11.01.2021 passed in **CRWP-228-2021 (Simran Rani and another Vs.State of Haryana and others)**.

After hearing learned counsel for the petitioners, this Court finds that the petitioner No.2 allegedly became acquaintance of the girl only six months back and their alleged relations developed recently, but in support of the pleadings contained in the petition, the affidavit of petitioner No.2 alone has been filed, who is representing the petitioner No.1 as her next friend. Considering the nature of the relief and the fact that the petition is directed against the parents of the minor girl as well as her brother and uncle, who are natural guardian and close relatives respectively, therefore,

the stand of petitioner No.2 as next friend of petitioner No.1 is not worth acceptance. There is no averment in the petition that the interest of the petitioner No.2 is not adverse to the interest of petitioner No.1 (minor girl) particularly, when unsubstantiated allegations have been levelled against parents etc. A perusal of the representation further reveals that it is vague and lacks all relevant and necessary particulars, therefore, the apprehension expressed is misconceived.

The decisions relied upon by the learned counsel may not be applicable in the facts and circumstances of this case as in both the decided cases, one of the petitioners therein entered into matrimonial alliance, despite being minor at the time of marriage, therefore, this Court observed the marriage voidable, if not void and showed limited indulgence by relegating them to Senior Superintendent of Police for verification of the pleadings and for taking necessary action, if required. The order dated 11.01.2021 passed in *Simran Rani's case (supra)* does not help the cause raised in the petition as not only it is interim in nature but is based on the above two cited judgments.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed in *limine*.

(MANOJ BAJAJ)
JUDGE

21.01.2021

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