

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

Sr. No.102

CRWP-529-2021

Date of Decision: 19.01.2021

SIMRANJIT KAUR AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Nirmal Preet Singh Hira, Advocate
for the petitioners.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed by the petitioners for issuance of writ, order or direction in the nature of Mandamus directing the official respondents No.2 and 3 to protect her life, liberty and property at the hands of respondents No.4 to 8.

It is averred in the petition that the petitioners are good friends and they are known to each other for the last one year and later fell in love. Further, it is averred that petitioner No.2 is not of marriageable age, therefore, they are presently in a live-in-relationship and will marry each other when petitioner No.2 attains the marriageable age. As per the petition, the date of birth of petitioner No.1 & 2 is 04.09.2002 and 19.06.2002. As such, it is stated that both are major, but however, they are not of marriageable age. However, respondents No.4 and 5 who are the parents of petitioner No.1 and respondents No.6 to 8 who are the maternal uncles of

petitioner No.1 did not approve of their relationship and now the petitioners apprehend threat and danger to their life and liberty at the hands of respondents No.4 to 8. Relating to this, representation dated 15.01.2021 has been filed before the Commissioner of Police, copy whereof is Annexure P-3.

Notice of motion.

Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of official respondents and submits that petitioner No.2 is not of marriageable age and as such, the protection be not provided to the petitioners.

However, relying upon a judgment of Hon'ble Apex Court in ***“Nandakumar and another versus State of Kerala and others, 2018 AIR (SC) 2254*** and judgment of this court in ***CWP No.31834 of 2019 titled as Megha and another versus State of Haryana and others, decided on 04.11.2019***”, suffice to consider that this Court is primarily concerned with the petitioners to protect their life and liberty against any perceived threat at the instance of third party as such right has been guaranteed to them as per Article 21 of the Constitution of India. It has also pointed out that the representation dated 15.01.2021 (Annexure P-3) is pending with respondent No.2.

Considering the aforesaid factual position and without dilating further, on the legality of the relationship of the petitioners, the present petition is hereby disposed of with the direction to respondent No.2 to look into the grievance of the petitioners as stated in the representation dated 15.01.2021 (Annexure P-3), in accordance with law and initiate action, if so required, within a period of three weeks from today onwards.

However, these observations are circumscribed only for the purposes of disposal of the present petition, without prejudice to the rights of the parties, to be adjudicated at any stage relating to the civil or criminal proceedings, vis-a-vis, the relationship of the petitioners inter se and the validity thereof.

(ARCHANA PURI)
JUDGE

19.01.2021
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Whether speaking/reasoned	Yes
Whether reportable	No