

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

CRWP No.4108 of 2021

Date of Decision:30th April, 2021.

Desa Nath and another

.....Petitioners

Versus

State of Punjab and others

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. K.L. Saini, Advocate for the petitioners.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant petition, the petitioners seek the indulgence of this Court for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect their life and liberty as they apprehend threat to the same at the hands of respondents No.5 to 7 because they (petitioners) have solemnized their marriage against the wishes of these respondents. It has also been mentioned in this petition that the petitioners have already moved a representation (Annexure P-6) to respondents No.2 and 3 in this regard.

Notice of motion to respondents No.1 to 3 only.

Mr. H.S. Sullar, learned Deputy Advocate General, Punjab, who has joined the proceedings on behalf of respondents No.1 to 3 in this case in pursuance of the copies of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of these respondents.

Heard.

Learned counsel for the petitioners restricts his prayer to issuance of a direction to respondent No.2 to take appropriate action on the said representation of the petitioners, i.e. Annexure P-6.

Learned counsel for the State has no objection for the same.

It is worthwhile to mention here that in para No.5 of this petition, it has been categorically mentioned that prior to the marriage solemnized between the petitioners, the first wife of petitioner No.1 had expired and petitioner No.2 was married with respondent No.4 earlier and their marriage stood dissolved in the year 2019 but however, neither the death certificate of the first wife of petitioner No.1 nor any document qua the divorce between petitioner No.2 and respondent No.4 have been annexed with the present petition.

However, keeping in view the intent of the fundamental right enshrined in Article 21 of the Constitution of India which ensures the protection of life and liberty to the citizens and without expressing any opinion on the legality and validity of the marriage, as stated to have been solemnized between the petitioners, respondent No.2-Senior Superintendent of Police, Faridkot, is hereby directed to look into the said representation of the petitioners (Annexure P-6) and if it is found that the petitioners genuinely deserve any protection, then to take appropriate action in accordance with law. However, it is further clarified that this order shall not be construed to be a shield to the petitioners against any proceedings already initiated or intended to be initiated by the competent authority/

person on account of their afore-said marriage and permissible under any relevant provisions of law.

This petition stands disposed of accordingly.

April 30, 2021.

(MEENAKSHI I. MEHTA)
JUDGE

hsp

NOTE:	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
	<i>Whether reportable:</i>	<i>Yes/No</i>