

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

CRWP-4489-2021 (O&M)

Date of decision : 17.05.2021

Seema and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Sanjeev Kumar, Advocate for the petitioner.

ANIL KSHETARPAL, J.

Two petitioners have filed a criminal writ petition under Articles 226/227 of the Constitution of India for issuance of direction to respondent No.2 and 3 (police officials) to protect their life and liberty and to restrain private respondent No.4 to 7 from harassing or interfering in their peaceful life.

Petitioner No.1 got married to respondent No.4 on 15.03.2021. She claims that she was married against her wishes and in fact, she has a liking for petitioner No.2. It is further pleaded case of the petitioners that since the marriage of petitioner No.1 was performed against her wishes therefore, she does not want to live with respondent No.4 and has started living with petitioner No.2. It is further pleaded that petitioner No.1, after getting divorce from respondent No.4, wishes to marry petitioner No.2.

Heard learned counsel for the petitioners and with his able

assistance, perused the paper book.

Learned counsel for the petitioners contends that as per Section 5 of the Hindu Marriage Act, 1955, consent of both the parties should be free and since the consent of petitioner No.1 was under coercion from her parents, therefore, the marriage is void. He further submits that both the petitioners have attained the age of majority and therefore, they are free to reside together. He has further submitted that at present both the petitioners are staying in a hotel and the police had apprehended both of them, but petitioner No.1 gave statement that she is residing with her free will and hence, no action was taken against the petitioners.

It is admitted fact that the police did not take any action against the petitioners.

Keeping in view the aforesaid facts, this Bench does not find it appropriate to exercise its extra ordinary jurisdiction in this matter. Hence, petitioners are relegated to the alternative remedy.

With these observations, the writ petition is dismissed.

17.05.2021

ashok

Whether speaking/reasoned:

Whether reportable:

(ANIL KSHETARPAL)
JUDGE

Yes / No

Yes / No