

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-4503-2021

DATE OF DECISION: MAY 18, 2021

SIKANDER SINGH & ANOTHER	...	PETITIONERS
	VERSUS	
STATE OF PUNJAB & OTHERS	...	RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUMEET PURI, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Both the petitioners who are yet to attain the marriageable age have approached this Court by way of this criminal writ petition under Article 226 Constitution of India for protection of their life and liberty as they are facing threats from respondent No.4, who is opposing their live-in relationship.

Briefly, the facts of the case are that the petitioners fell in love with each other and decided to marry upon attaining the statutory age of marriage. The maternal uncle of petitioner No.2 (minor girl) initiated steps to marry her with an old age person belonging to the State of Uttar Pradesh and in this regard, few persons visited her house on 27.3.2021 for engagement ceremony. Since petitioner No.2 was against the decision of respondent No.4, therefore, she left her house on 28.3.2021 and joined the company of petitioner No.1. Thereafter, the petitioners apprehended threat to their life and liberty and a representation dated 1.4.2021 to Inspector General of Police, Patiala Zone, Patiala with a copy to Sr.Superintendent of Police, Sangrur (respondents No.2 and 3, respectively), was sent through Courier on 7.5.2021. It is prayed that the necessary protection be provided

to the petitioners.

At the very outset, learned counsel for the petitioners stated that the dispute between the parties has been settled and petitioner No.2 has joined back her family on 16.5.2021. He states that the petition is rendered infructuous and therefore, prays for withdrawal of the same.

During the course of hearing, learned counsel for the petitioners was confronted with the maintainability of the petition as the petitioner No.2 is not represented by any lawful guardian. In response, learned counsel for the petitioners has submitted that as the petitioner No.1 is 19 years old and therefore, being major, he is competent to represent her live-in partner (minor girl).

After hearing learned counsel for the petitioners, this Court finds that the pleadings in the writ petition relate to the affairs of the family of petitioner No.2 and the accusations have been levelled against her real maternal uncle, therefore, the stand of petitioner No.1 to be her guardian or next friend is not worth acceptance, particularly, when the writ petition does not contain any averment that his interest is not adverse to the interest of minor girl.

Considering the nature of prayer and the relation of the private respondent with the minor girl, this Court has no hesitation in holding that the writ petition is not maintainable.

Dismissed.

May 18, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No