

CRWP No. 5871 of 2021

Date of Decision: 15.07.2021

Manisha and another

.....Petitioners

Vs.

U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Krishan Kumar Thakur, Advocate, for the petitioner.

Mr. Anupam Bansal, A.P.P. U.T. Chandigarh.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 29.06.2021 the following order had been passed by this
court:-

Case heard via video conferencing.

“By this petition, the petitioners seek protection of life and liberty at the hands of respondents no. 4 to 6, who are stated to be the parents and brother of petitioner no.1, upon them having married each other (as contended) against the wishes of the said respondent, on 24.6.2021.

On a specific query put to learned counsel for the petitioners, it has been stated that neither are the petitioners in any prohibited relationship to each other, nor has any of them been married earlier. He states that he has obtained specific instructions from the petitioners in that regard.

Notice of motion.

Mr. Anupam Bansal, learned Addl. PP, UT Chandigarh, appears and accepts notice on behalf of respondents no.1 to 3.

Adjourned to 15.7.2021.

Respondents no.4 to 6 be served by way of normal process for the adjourned date, i.e. 15.7.2021.

Mr.Bansal submits that on an advance notice received of the petition, the address given in the memo of parties by the petitioners was visited by the police and the father of petitioner no.2 has stated that he was not aware of any marriage of his son with petitioner no.1 and that the petitioners in fact were not residing at the said place, with petitioner no.2 being employed at Panipat.

Learned counsel for the petitioners on the other hand submits that the petitioners are not able to reside at the address given in the memo of parties because of fear of harassment at the hands of respondents no.4 to 6 but shall be residing there upon protection being ordered by this court.

Though there is no firm proof of age of either of the petitioners other than their Aadhar Cards, which is actually not a firm proof of age, but considering that their age has been given as 28 and 25 years respectively, it is presumed at this stage that they are above marriageable age and in any case, protection of life and liberty being a fundamental right of every citizen under Article 21 of the Constitution of India, such life and liberty is bound to be protected by respondents no.1 to 3.

Consequently, while directing that such protection of life and liberty be given if the petitioners come to reside at Chandigarh at any stage, a gazetted officer is directed to file a reply to the petition stating therein as to whether the petitioners, or either of them, is living at Chandigarh or not; after also determining the actual age of the petitioners .

In response thereto, a reply to the petition has been filed by way of an affidavit of the Assistant Superintendent of Police (South), U.T. Chandigarh, which is ordered to be taken record, with learned Additional Public Prosecutor appearing for the U.T. Chandigarh submitting that the petitioners are in fact no longer residing together.

Learned counsel for the petitioners submits that they do not press this petition.

Dismissed as withdrawn.

July 15, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.