

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

CRWP-7377-2021

Date of decision-06.08.2021

Sarwan Kumar and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Paras Jagga, Advocate for
Mr. Dhanvir Batish, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners have filed this criminal writ petition under Article 226 Constitution of India praying for a writ of mandamus by way of directions to the respondent Nos.1 to 3 to protect their life and liberty from private respondent Nos.4 to 7.

Learned counsel for the petitioners has argued that the petitioners, who are having love affair with each other for last one year, decided to marry on attaining the marriageable age. When they expressed their decision to the parents of petitioner No.2, the same was not accepted by private respondent Nos.4 to 7 (parents and other relatives of petitioner No.2) as they wanted to solemnize her marriage with a boy of their choice. On 25.07.2021, petitioner No.2 again tried to convince her parents for marriage, but private respondents gave her

beatings and threatened her to kill. On 27.07.2021, private respondents were making arrangements for marriage of petitioner No.2, therefore, she left her house and joined the company of petitioner No.1 and now residing with him at Village Kalyan Dera, District Patiala. On 01.08.2021, private respondents went to house of petitioner No.1 and gave beatings to petitioners and tried to take away petitioner No.2 forcibly. Petitioners have apprehension that private respondents will implicate them in a false case. Learned counsel has invited the attention of the Court to Annexure P-3 to contend that a representation dated 03.08.2021 has already been given to Senior Superintendent of Police, Patiala by petitioner No.1, however, till date no action has been taken upon the same. He prays that appropriate direction be issued.

After hearing learned counsel for the petitioners, this Court finds that the alleged relations of petitioners developed recently, but in support of the pleadings contained in the petition, the affidavit of petitioner No.1 alone has been filed, who is representing the petitioner No.2 as her next friend. Considering the fact that the petition is directed against the parents of the minor girl, who are natural guardian and close relatives respectively, therefore, the stand of petitioner No.1 as next friend of petitioner No.2 is not worth acceptance. It needs to be noticed here that averment in the petition regarding beatings of petitioner No.2

are not supported by any convincing material, much less any complaint to the police.

A perusal of the representation further reveals that it is vague and lacks all relevant and necessary particulars. Further, the apprehension of the petitioners that private respondents would implicate them in a false criminal case, cannot be construed as a threat as they too are free to avail their remedy in law.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

06.08.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No