

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

CRWP No.8027 of 2021

Date of Decision:-24.08.2021

Gulshan Begum and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

(Heard through Video-Conferencing)

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

Present:- Mr. Dinesh Kumar, Advocate
 for the petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, both the petitioners seek the indulgence of this Court for the issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect their lives and liberty as they apprehend threat to the same at the hands of respondents No.4 to 6 because they (petitioners) have solemnized their Nikah (marriage) against the wishes of these respondents. It has also been mentioned in this petition that a representation (Annexure P-5) has already been moved to respondents No.2 and 3 in this regard.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab, 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.

Heard.

Learned counsel for the petitioners restricts his prayer to the issuance of a direction to respondent No.2 to look into and take appropriate action on the said representation (Annexure P-5) of the petitioners.

Learned State counsel has no objection for the same.

However, it is pertinent to mention here that except her affidavit (Annexure P-1), petitioner No.1 named Gulshan Begum has not placed any other document on the file to show that her date of birth is 08.03.2001. Moreover, as per the copy of the Aadhar Card (Annexure P-2) of petitioner No.2 named Muhammad Rafik, he was born in the year 2002, meaning thereby he has not yet attained the prescribed marriageable age, i.e 21 years.

Be that as it may, 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 also the above-discussed limited prayer as made by learned counsel for the petitioners and without commenting or expressing any opinion on the legality and validity of the Nikah (marriage), as stated to have been solemnized between the petitioners, respondent No.2-Senior Superintendent of Police, Khanna, District Ludhiana, is hereby directed to look into the said representation (Annexure P-5) of the petitioners and if it is found that the petitioners genuinely deserve any protection, then to take appropriate action in accordance with law.

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/contemplated to be initiated against them by any competent authority/person on account of their afore-said marriage and permissible under the relevant provisions of law.

This petition stands disposed of accordingly.

August 24, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*