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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-9355-2021

Date of Decision: 30.09.2021

Komal and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Varinder Basa, Advocate for the petitioners.

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Manoj Bajaj, J. (Oral)

By means of this writ petition under Article 226 Constitution of India, petitioners have prayed for issuance of directions to respondents No.2 and 3 to protect their life and liberty, as they solemnized marriage on 25.09.2021 against the wishes of private respondents No.4 to 8.

Briefly, the facts pleaded in the writ petition are that the petitioners are major, who fell in love with each other and decided to marry, but when their love affair came to the knowledge of respondent Nos.4 to 8 (parents, brother and uncles of petitioner No.1), they opposed the same, as they wanted to preform the marriage of Komal with a boy of their own choice. As a result of that, the petitioners performed marriage on 25.09.2021 as per Christian rites and rituals at Church Prem Nagar, Boharwala Road, Batala against the wishes of private respondents. After their marriage, the petitioners are receiving serious threats to their life and liberty from private respondents and there is every likelihood that the private respondents would implicate the petitioners in some false case by giving a complaint to the police. In this regard, petitioners submitted a

representation dated 25.09.2021 (Annexure P-5) to the Senior Superintendent of Police, Amritsar (Rural), District Amritsar. It is prayed that the petitioners be provided protection.

Learned counsel has argued that the affair of the petitioners was opposed by the private respondents and there were compelling circumstances for them to perform the marriage against their wishes. He submits that there is every likelihood that the private respondents would implicate the petitioners in some false case by giving a complaint to the police. He has invited the attention of the Court to the representation dated 25.09.2021 (Annexure P-5) and contended that till date, no protection has been provided. Learned counsel has further argued that uncle of petitioner No.1 (Komal) has threatened to commit suicide, in case, she would not return home. He prays for issuance of necessary directions.

After hearing the learned counsel, this Court finds that the averments contained in the petition do not contain material particulars, much less the alleged manner and mode of threat extended to the petitioners. The petitioners have expressed an apprehension that the private respondents may falsely implicate them in some criminal case, but in the considered opinion of this Court, this apprehension is misplaced, as admittedly, no complaint has been made so far against them by the private respondents. Admittedly, the uncle of petitioner No.1, who is allegedly threatening to commit suicide, has not been made a party in this case and strangely, this does not amount to threat to the life of petitioners.

Apart from the above, even if it is assumed that a complaint is given to the police by any of the private respondents against the petitioners, then it cannot be construed as threat to their life and liberty, as private

respondents are also free to avail their remedy in law in case, they feel that some offence has been committed against them.

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

Dismissed.

30.09.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No