

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

Sr. No.127

CRWP No.9583 of 2021

DATE OF DECISION: 07.10.2021

Sapna Rani and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(Heard through Video-Conferencing)

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

Present:- Mr. Amit Gupta, 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 and 5 because they (petitioners) have solemnized their marriage against the wishes of these respondents. It has also been mentioned in this petition that a representation (Annexure P-4) has already been moved to respondents No.2 and 3 in this regard.

Mr. Vishal Kashyap, learned Deputy Advocate General, Haryana, 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 only to look into and take appropriate action on the said representation of the petitioners, i.e. Annexure P-4.

Learned State counsel has no objection for the same.

However, it is pertinent to mention here that except the photographs (Annexure P-3), the petitioners have not produced any other document (marriage certificate) on the file to establish the factum of solemnization of their marriage and moreover, as per the copy of the Aadhar Card (Annexure P-2), the date of birth of petitioner No.2-Shajad Khan is 01.01.2001, meaning thereby that he has not yet attained the prescribed marriageable age.

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 as well as 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 marriage as stated to have been solemnized between the petitioners, respondent No.2-Superintendent of Police, District Yamunanagar, is hereby directed to look into the said representation (Annexure P-4) 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 action/proceedings already initiated or intended/contemplated to be initiated by the competent authority/person

against them on account of their said marriage and permissible under any relevant provisions of law.

This petition stands disposed of accordingly.

October 07, 2021

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(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

No