

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

CRWP-1412-2019

Date of Decision : August 16, 2021

SNEHDEEP AND ANR

.....Petitioner

VERSUS

UNION TERRITORY OF CHANDIGARH AND ORS

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. RPS Cheema, Advocate,
with Mr. Sanjiv Gupta, Advocate,
for the petitioners.

Mr. Amit Kumar Goyal, APP,
for respondent-U.T. Chandigarh.

Mr. Surjit Ram son of Channan Ram-respondent no.4, in person.

Ms.Parshotam wife of Surjit Ram-respondent No.5, in person.

Mr.Mandeep Singh son of Surjit Ram-respondent No.6, in person.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India with a prayer to issue a writ in the nature of mandamus directing the respondent No.2 i.e. U.T. Administrator, Chandigarh to protect the life and liberty of the petitioners at the hands of private respondents i.e. respondent Nos.4 to 7 in view of the fact that the petitioners have married with each other against the wishes of respondent Nos.4 to 7.

The learned counsel for the petitioners has submitted that both the petitioners are dental doctors by profession and fully matured. The petitioner No.1 (wife) is 29 years of age and the petitioner No.2 (husband) is 46 years of

age as on the date the present petition was filed and both of them are major and of marriageable age. So far as the petitioner No.1 is concerned, it is her first marriage and so far as the petitioner No.2 is concerned, it is his second marriage as his first marriage was dissolved by decree of mutual consent on 03.08.2019 and a decree was passed by Principal Judge, Family Court South-West District, Dwarka, New Delhi, vide Annexure P-3. Since both of them are in same profession and they knew each other, they decided to get married and their marriage was solemnized on 07.10.2019 as per the Hindu Rites and Rituals at Panchkula. The marriage certificate has been attached as Annexure P-4 and the photographs are attached as Annexure P-5. The learned counsel has further submitted that since the marriage was against the wishes of the parents of the wife, they had apprehension towards threat of their lives at their hands and, therefore, a representation was filed by them to the police vide Annexure P-6 but no action was taken by the police and, therefore, the present petition has been filed seeking protection from the police as they were facing eminent threat at the hands of respondent Nos.4 to 7. Respondent No.4 is the father of the wife, respondent No.5 is the mother of the wife, respondent No.6 is the brother of the wife and respondent No.7 is the maternal uncle of the wife.

Notice of motion was issued in this case on 09.10.2019 and the Senior Superintendent of Police, U.T., Chandigarh was directed to take necessary steps to ensure that lives and liberty of the petitioners are not jeopardised at the hands of the private respondents. On 29.10.2019, the petitioner No.2 stated before this Court that he is willing to create a Fixed Deposit in the name of the petitioner No.1 for a sum of Rs. 10 lacs. Thereafter, he also submitted that the said Fixed Deposit of Rs. 10 lacs has also been made in favour of the petitioner

Mr. Amit Goyal, learned Additional P.P. for U.T., Chandigarh has submitted on instructions that in pursuance of the orders passed by this Court on 09.10.2019, the police has inquired into the matter and has also recorded the statements of the petitioners and they have stated that now they do not have any threat or apprehension at the hands of the private respondents. According to the learned counsel for the State, the present petition has become infructuous in view of the statement given by the petitioners to the police.

The learned counsel for the petitioners has specifically submitted that the submissions made by the learned State counsel is correct and they are not facing any threat from the private respondents and, therefore, according to the learned counsel for the petitioner also, nothing survives in the present petition and the same has become infructuous.

However, private respondents who are parents and relatives of the wife have also filed their response in the present case. The private respondents who are appearing in person have submitted that the petitioner No.2 is a drug addict and his earlier marriage was also dissolved because he was a drug addict and has been harassing his earlier wife and so far as the present petition is concerned, they do not have any intention to pose any threat to the petitioners but their only concern is that their daughter who is petitioner No.1 should remain safe and protective at the hands of petitioner No.2. They have also submitted that the Fixed Deposit which has been made in favour of the petitioner No.1 (wife) of Rs. 10 lacs is not adequate and, therefore, strict conditions should be imposed upon the petitioner No.2 (husband) to make the petitioner No.1 financially safe and that is the only concern which the private respondents have made before this Court.

I have heard the learned counsel for the parties.

The present petition has been filed primarily with a prayer seeking directions to the official respondents to protect the lives of the petitioners at the hands of respondent Nos.4 to 7. In pursuance of the directions issued by this Court, the police has already recorded the statements of the petitioners in which they have stated that they do not have any threat or apprehension at the hands of the private respondents. Apart from the same, the learned counsel for the petitioner has specifically submitted that now they do not have any threat at the hands of the private respondents. Furthermore, even the respondent Nos.4 to 6 have submitted before this Court that they did not pose any threat to the petitioners. The scope of the present petition was only to the extent of grant of protection in view of the fact that the petitioners were facing threat at the hands of private respondents. However, now the position which has emerged is that all the respective parties before this Court have taken a joint stand that there is no threat from the respondent Nos.4 to 7 to the petitioners and, therefore, the present petition with a prayer to grant of protection of life and liberty would certainly become infructuous. No further directions are required to be issued in view of the stand taken by the parties themselves.

So far as the issue raised by the private respondents with regard to the financial safety of the petitioner No.1, an affidavit has been filed by the petitioner No.1 herself on 04.12.2019 wherein she has stated in para No.2 that she and the petitioner No.2 were happily married with each other and they are residing together since 07.10.2019. In para No.4 of the affidavit it has been stated by her that the petitioner No.2 (husband) has already made a Fixed Deposit in the name of petitioner No.1 (wife) for an amount of Rs. 10 lacs vide

years for a sum assured of Rs. 50 lacs of the respondent No.2 in which the petitioner No.1 has been made beneficiary/nominee vide Annexure P-8. The petitioner No.2 has also filed an affidavit in which he has stated that the petitioner No.2 is not the owner of any other property and only one property he had alongwith his mother has already been sold in the year 2014.

Both the petitioners are adult and they are dental doctors by profession and there is nothing on record to show that there has been any force or coercion with regard to their marriage and rather on the other hand, the petitioner No.1 has filed a specific affidavit in this Court by stating that she is happily married with respondent No.2. The financial security of petitioner No.1 is not the subject matter of the present petition. Apart from the same, the petitioner No.2 has already made a Fixed Deposit of Rs. 10 lacs and also made petitioner No.1 as a nominee in sum assured of Rs. 50 lacs insurance policy. This Court would not go into the adequacy of any financial security nor is it the scope of the present petition.

Therefore, in view of the aforesaid factual position, no further orders are required to be issued in the present petition and the same is hereby disposed of as having become infructuous.

(JASGURPREET SINGH PURI)
JUDGE

August 16, 2021
Ithlesh

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