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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-86-2022 (O&M)

Date of Decision: 07.01.2022

Kavita Rani and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Sandeep Kaur, Advocate for the petitioners.

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Manoj Bajaj, J. (Oral)

By means of this writ petition under Articles 226 Constitution of India, petitioners have prayed for issuance of directions to respondent Nos.2 and 3 to protect their life and liberty, as they solemnized marriage on 04.01.2022 against the wishes of private respondent Nos.4 and 5.

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. When the love affair of the petitioners came to the knowledge of the parents of petitioner No.1 (respondent Nos.4 and 5), they opposed it, as they wanted to preform the marriage of Kavita Rani with a boy of their own choice. As a result of that, the petitioners performed marriage on 04.01.2022 as per Hindu rites and rituals at Pracheen Pashupati Nath Shiv Mandir, M.D.C. Sector-6, Panchkula against the wishes of private respondents. After their marriage, the petitioners are receiving serious threats to their life and liberty from the parents of petitioner No.1 and in this regard, petitioner No.1 submitted a representation dated 04.01.2022 (Annexure P-5) to the Senior Superintendent of Police, Patiala. It is prayed that the petitioners be provided protection.

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 04.01.2022 (Annexure P-5) and contended that till date, no protection has been provided and further prays for issuance of necessary directions.

After hearing the learned counsel, this Court finds that the averments contained in the petition do not contain the 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.

Apart from 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.

(MANOJ BAJAJ)
JUDGE

07.01.2022
Jasmine Kaur