

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

**CRWP No.465 of 2022 (O&M)
DATE OF DECISION: 20.01.2022**

Muskan and anotherPetitioners

versus

State of Punjab and othersRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sumeet Puri, Advocate for the petitioners

ALKA SARIN, J. (Oral):

Heard in virtual mode.

The present petition under Article 226 of the Constitution of India has been filed for directing the official respondent Nos.2 and 3 to take action on the representation dated 09.01.2022 (Annexure P-6) for protecting the life and liberty of the petitioners at the hands of respondent Nos.4 to 7.

Learned counsel for the petitioners would contend that the date of birth of petitioner No.1 is 25.05.2004 and as on date she is aged 17 years, 07 months and 26 days. Copies of the Aadhar Card and school certificate of petitioner No.1 have been appended as Annexures P-1 and P-2, respectively. The date of birth of petitioner No.2 is 09.02.2021 and he is a major. Copies

of his school certificate and Aadhar Card have been appended as Annexures P-3 and P4, respectively. The learned counsel would further contend that the petitioners came in contact with each other through Instagram and became friends. The petitioner No.1 with her own free will and consent has decided to live with petitioner No.2. It has further been contended that petitioner No.1 is a Muslim girl and her parents wanted to get her engagement done against her wishes and, therefore, on 08.01.2022 petitioner No.1 left her parental home with her free consent. It is further the contention that petitioner No.2 is in a private job and is earning well. The petitioners both apprehend danger to their life and liberty at the hands of the private respondents. In this regard, a representation dated 09.01.2022 (Annexure P-6) was given to the Senior Superintendent of Police, Distt. Sangrur – respondent No.2. However, no action has been taken qua the same. The learned counsel for the petitioners has placed reliance on the orders passed by a Co-ordinate Bench of this Court in CRWP-5335-2021, decided on 11.06.2021 (*Manpreet Singh and another vs. State of Punjab and others*) and CRWP-4725-2021, decided on 03.06.2021 (*Seema Kaur and another vs. State of Punjab and others*) to contend that even in case where one of the petitioners is just short of turning major, protection has been granted.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab has joined the session through video conferencing and accepts notice. Learned counsel for the State submits that he has no objection in case a direction is issued for deciding the representation dated 09.01.2022 (Annexure P-6) in accordance with law.

Heard.

The petitioner No.1 in the present case, who is aged 17 years, 07 months and 26 days as of today, has left the house of her parents voluntarily and is now residing with petitioner No.2, who is a major and is stated to be earning well. The petitioners both apprehend danger to their life and liberty at the hands of the private respondents. In the present petition, the validity of the relationship is not to be gone into. However, the apprehension of the petitioners that they fear for their life and liberty needs to be addressed.

In view of the above and without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioners, the present petition is disposed off with a direction to the Senior Superintendent of Police, Distt. Sangrur – respondent No.2 – to decide the representation dated 09.01.2022 (Annexure P-6) and take necessary action as per law.

It is, however, made clear that this order shall neither be construed as an expression of opinion on the veracity of the contents of the present petition nor a stamp on the validity of the alleged live-in-relationship of the petitioners and shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off.

(ALKA SARIN)
JUDGE

20.01.2022
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO