

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

**CRWP No.1971 of 2022 (O&M)
DATE OF DECISION : 07.03.2022**

Sukhwinder Kaur and Another

.....Petitioners

versus

State of Punjab and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rishu Garg, Advocate for the petitioners

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ALKA SARIN, J. (Oral):

Heard in virtual mode.

The present petition under Articles 226/227 of the Constitution of India has been filed for directing the official respondent Nos.2 and 3 to take action on the representation dated 28.02.2022 (Annexure P-3) for protecting the life and liberty of the petitioners at the hands of respondent Nos.4 to 12.

Learned counsel for the petitioners would contend that the date of birth of petitioner No.1 is 16.08.1995 and she is a major. A copy of her passport has been appended as Annexure P-1. The date of birth of petitioner No.2 is 28.08.2001. Though he is a major but has yet not attained the marriageable age. Copy of his Aadhaar Card has been appended as Annexure P-2. The learned counsel would further contend that the petitioners came in contact with each other and became friends. The petitioner No.1 with her own free will and consent has decided to live with

petitioner No.2. It is further stated that the petitioners intend to perform marriage after the petitioner No.2 attains the marriageable age and as such they have decided to stay together in a live-in-relationship. Learned counsel for the petitioners further contends that the petitioners have been receiving serious threats of elimination from the private respondents and they apprehend a grave danger to their life and liberty. In this regard, a representation dated 28.02.2022 (Annexure P-3) was given to the Senior Superintendent of Police, District Moga - 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 & Anr. vs. State of Punjab & Ors.*) and CRWP-4725-2021 decided on 03.06.2021 (*Seema Kaur & Anr. vs. State of Punjab & Ors.*) 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, Ms. A.K. Khurana, DAG Punjab has joined the session through video conferencing and accepts notice. Learned counsel for the State submits that she has no objection in case a direction is issued for deciding the representation dated 28.02.2022 (Annexure P-3) in accordance with law.

Heard.

The petitioner No.1 in the present case, who is a major, has left the house of her parents voluntarily and is now living in a live-in-

relationship with petitioner No.2 who would attain the marriageable age in about six months. 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 of the petitioners 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, Moga – respondent No.2 – to decide the representation dated 28.02.2022 (Annexure P-3) 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

07.03.2022
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NOTE:

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