

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

129

CRWP-5344-2022
Date of decision: 01.06.2022

LALITA AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Abhishek Thakur, Advocate for
Mr. Gaurav Sharma, Advocate for the petitioners.
Mr. Karanbir Singh, AAG, Punjab.
Mr. A.S Ahluwalia, Advocate and
Ms. Gurjit Kaur Sandhu, Advocate
for the respondents No.5 and 6.

VINOD S. BHARDWAJ. J. (ORAL)

The petitioners namely Lalita and Avisek Jaggi have approached this Court under Article 226 of the Constitution of India for seeking protection of their life and personal liberty from private respondents No.5 to 12.

The contention of the petitioners is that they are major, aged 25 years and 25 years respectively. In support thereof, copy of the Aadhar Cards and School Certificates pertaining to the petitioners have been appended. The petitioners further contend that they have performed marriage against the wishes of their parents. The marriage of the petitioners was solemnized on 26.05.2022 at Shri Chamunda Mata Mandir, Tehsil Dharamshala District Kangra, Himachal Pradesh according to Hindu rites and ceremonies. A copy of marriage certificate (Annexure P-5) has also been appended. The petitioners apprehend threat to their lives and claim that there is a constant danger of being implicated in a false case.

Notice of motion restricted to respondents Nos.1 to 3 only.

Pursuant to supply of advance copy, Mr. Karanbir Singh, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3.

Mr. A.S. Ahluwalia and Ms. Gurjit Kaur Sandhu, Advocates have appeared and filed power of attorney on behalf of the respondents No.5 and 6.

Learned counsel for the petitioners states that a representation dated 27.05.2022 (Annexure P-7) has also been submitted by the petitioners to the respondent No.2- Sr. Superintendent of Police, Pathankot.

Learned State counsel has no objection if appropriate direction for providing requisite protection to the petitioners is given.

However, learned counsel for the respondents No.5 and 6 have strenuously argued that their daughter has been allured by the petitioner No.2 into causing an alliance with him and that they have every concern with respect to the well being of their daughter. They further contended that a direction be issued to the petitioners, especially petitioner No.1, to meet her parents.

Such a submission though may appear to be bounden with emotion, however, the same does not answer to the requirement in law. No such direction can be issued to a grown up adult to go and meet any person unless such an act is voluntary. The factum of the petitioner No.1 having been allured by petitioner No.2 into causing a matrimonial alliance is a matter of personal choice and the Court cannot go into the wisdom of a choice made by the petitioners. Hence, the contentions raised by the learned counsel for the respondents No.5 and 6 are noticed to be rejected.

However, without examining the question of legality and validity of the marriage and expressing any opinion thereon, the petition is disposed of with the directions to respondent No.2-Sr. Superintendent of Police, Pathankot to look

into the grievances of the petitioners as set out in the petition and also expressed in the representation dated 27.05.2022 (Annexure P-7) and take appropriate action for protection of their lives and liberty as may be warranted by the circumstances. He is further directed to look into the matter after affording opportunity of hearing to all the concerned parties.

However, it is clarified that in case any criminal case has been/is registered against the petitioners nothing in this order shall be construed as a bar for taking appropriate action by the police authorities in respect thereof in accordance with law.

The Registry is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2-Sr. Superintendent of Police, Pathankot for requisite compliance.

The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

June 01, 2022
rajender

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>