

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

Sr.No.118

CRWP No.7245 of 2022

Date of Decision: 29.07.2022

Kashish and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. R.K. Kachura, Advocate for
Mr. Karandeep Singh Dargan, Advocate for the petitioners.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant petition, both the petitioners seek the indulgence of this Court for the issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to protect their lives and liberty as they apprehend threat to the same at the hands of respondents No.4 and 5 because they (petitioners) are living in relationship. It has also been mentioned in this petition that a representation (Annexure P-3) has already been moved to respondent No.2 in this regard.

Mr. Amrik Narwal, learned Deputy Advocate General, Haryana, has appeared on behalf of respondents No.1 to 3 in this case in pursuance of the copies of the present petition having been sent to the respondent-State in advance.

Heard.

Learned counsel appearing for the petitioners restricts his prayer to the issuance of a direction to respondent No.2 to look into and take appropriate action on the said representation of the petitioners, i.e. Annexure P-3.

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Learned State counsel has no objection for the same.

However, it is worth-while to mention here that as per Annexure P-1, i.e the copy of the birth certificate of petitioner No.1 Kashish, her date of birth is 23.07.2006, meaning thereby that she has not yet attained the age of majority, i.e 18 years.

Be that as it may, keeping in view the intent of the fundamental right as enshrined in Article 21 of the Constitution of India which ensures the protection of life and liberty to the citizens as well as the above-discussed limited prayer as made by learned counsel appearing for the petitioners and without commenting or expressing any opinion on the legality and validity of the relationship between the petitioners, respondent No.2-Superintendent of Police, Kaithal, is hereby directed to look into the afore-said representation (Annexure P-3) of the petitioners only to the extent of their (petitioners') threat perception qua their lives and if it is found that they genuinely deserve the said protection, then to take appropriate action in accordance with law.

It is further clarified that this order shall not be construed to be a shield to the petitioners against any action/proceedings, including any criminal case, already initiated/registered or intended/contemplated to be initiated/registered against them by any competent authority/person in view of the above-discussed facts and circumstances or on account of their afore-said relationship and permissible under any relevant provisions of law.

This petition stands disposed of accordingly.

29.07.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable No