

CRWP-9452 of 2022

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

CRWP-9452 of 2022
Date of decision: 30.09.2022

Neelu Talotra and another

.....Petitioners

vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. N.K. Vadhera, Advocate, for the petitioners.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.
Ms. Suman Kumari, Advocate, for respondent No.4.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Article 226 of the Constitution of India, prayer has been made for issuance of a direction to respondents No. 1 to 3 to protect the life and liberty of the petitioners from the hands of respondent No.4 and 5, as they have solemnized marriage against the wishes of private respondents.

Learned counsel for the petitioners contends that both the petitioners are major and they have right to live their life on their own terms. However, the private respondents are adamant to separate them from each other by resorting to illegal means. Learned counsel also submits that petitioner No.2-Rohit Saini was earlier married to one Monika Devi. However, marriage between them has already been dissolved by way of decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 by the Family Court, Pathankot, vide judgment dated 14.10.2019 (Annexure P-4A). Learned counsel further submits that in view of imminent danger to the life and liberty of

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the petitioners, they have moved a representation dated 27.09.2022 (Annexure P-5) to respondent No.2-Senior Superintendent of Police, Gurdaspur.

Notice of motion to official respondents No.1 to 3 only at this stage.

On the asking of the Court, Mr. G.S. Sandhu, Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3.

At this stage, Ms. Suman Kumari, Advocate, appears and files her power of attorney on behalf of respondent No.4, which is taken on record.

I have heard learned counsel for the parties and perused the paper book.

Having regard to the facts and circumstances of the case, I am of the view that the petitioners are at liberty to live together being major and no person shall be permitted to interfere in their peaceful living as right to life is a fundamental right under Article 21 of the Constitution of India which mandates that no person shall be deprived of his right to life and personal liberty.

In view of the above, this petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Gurdaspur, to look into the representation dated 27.09.2022 (Annexure P-5) of the petitioners seeking protection of life and liberty and if necessary, requisite steps be taken strictly in accordance with law for grant of protection of life and liberty of the petitioners

It is, however, clarified that in case, there is any criminal case

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registered against the petitioners, this order shall not be construed as an impediment for the law enforcing agency to proceed against the petitioners, in accordance with law.

September 30, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No