

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

CRWP-11832-2022(O&M)
Date of decision : 16.12.2022

Nargis Bhatti and another

... Petitioners

Versus

Union Territory, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rampal Kaushik, Advocate for the petitioners.

Mr.Shashank Bhardwal, Addl.P.P. for U.T. Chandigarh.

VIKAS BAHL, J. (ORAL)

CRM-W-1708-2022

This is an application filed for grant of leave under Rule 3-A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

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The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for directing the official respondents to protect the life and liberty of the petitioners.

It is the case of the petitioners that they both are major inasmuch as petitioner no.1 was born on 10.06.2002 as is apparent from her Aadhar Card (Annexure P-1) and petitioner no.2 was born on 19.08.1997 as is apparent from his Aadhar Card (Annexure P-2), and have married each other on 13.12.2022, with their free consent and without any pressure and that this is

their first marriage. Reliance has been placed upon the marriage certificate and photographs (Annexure P-3 and P-4). It is also stated by the learned counsel for the petitioners that a detailed representation dated 13.12.2022 (Annexure P-5) has also been given to respondent no.2 with regard to the same.

Notice of motion to respondent nos.1 to 3 only.

On advance notice, Mr.Shashank Bhardwal, Addl.P.P. for U.T. Chandigarh appears and accepts notice on behalf of respondent nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent no.2-Senior Superintendent of Police, Chandigarh, looks into the representation dated 13.12.2022 (Annexure P-5) and takes appropriate action, in accordance with law.

After considering the above said facts and without commenting upon the legality of the marriage and expressing any opinion on merits of the case, the present Criminal Writ Petition is disposed of with direction to respondent no.2-Senior Superintendent of Police, Chandigarh, to look into the representation dated 13.12.2022 (Annexure P-5) and after considering the threat perception to the petitioners, respondent no.2 will take appropriate action in accordance with law.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

(VIKAS BAHL)
JUDGE

December 16, 2022.

Davinder Kumar

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No