

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRWP-4346-2023
Decided on : 31.05.2023

Tanuja Sharma and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Lakhanpal Garg, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in the instant petition filed under Article 226 of the Constitution of India, is for issuance of directions to official respondents No.2 & 3, to provide protection of lives and liberty of the petitioners, who have married against the wishes of private respondents.

2. After noticing the fact that petitioner No.1 – Tanuja Sharma, and respondents No.4 to 6, are residents of village Kau, Tehsil Karsog, Distt. Mandi, Himachal Pradesh, vide order dated 05.05.2023, State was directed to verify and confirm the factum of addresses of the petitioners and performing of their marriage.

3. Today, Mr. Anmol Singh Sandhu, AAG, Punjab, has filed the reply dated 31.05.2023, by way of affidavit of DSP, Sub-Division Abohar, District Fazilka, on behalf of respondents No.1 to 3 in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRWP-4346-2023

- 2 -

A copy thereof has been handed over to the counsel for the petitioners.

4. Learned State counsel refers to para Nos.4 & 5 of the aforesaid reply, which says as under:-

“4. That it is submitted that during the enquiry, it has been found that the petitioners who are major, got married with each other on 31.05.2023 with their own wishes. There is no danger to the life and liberty of the petitioners are the hands of the private respondents as revealed during the enquiry. However, if in future, the petitioners apprehend any danger and approach the police, the necessary police protection will be provided to the petitioners as the situation so warrants. As such, no cause of action has accrued to the petitioners to file the present petition.

5. That during verification, it has been found that after marriage the petitioner No.1 is living in the house of the petitioner No.2 at Abohar.”

5. Learned State counsel, on instructions from HC Kuldeep, makes it clear that inadvertently in the reply date of marriage of the petitioners has been mentioned as 31.05.2023, whereas, correct date of marriage is 01.05.2023.

6. In view of the above, the present petition is disposed of with a direction to respondent No.2 – Sr. Superintendent of Police, Fazilka, to look into the representation dated 01.05.2023 (Annexure P-5), *qua* threat perception, and if there is any substance in it, take necessary steps, in accordance with law, to ensure that the lives and liberty of the petitioners are

CRWP-4346-2023

- 3 -

not jeopardized at the hands of the private respondents.

7. However, this direction will not validate the marriage said to have taken place between the parties and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

(SANJAY VASHISTH)
JUDGE

May 31, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*