

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRWP-5037-2023
Decided on : 24.05.2023

Nisha Kumari and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. B.K. Majoka, Advocate
for the petitioners.

SANJAY VASHISTH, J. (Oral)

By way of filing this petition, petitioners seek necessary protection of their lives and personal liberty in view of the fact that they have not solemnized their marriage so far and are living in a live-in relationship, as petitioner No.2 is not of marriageable age, and are under eminent threat at the hands of respondents No.4 & 5. Learned counsel submits that none of the petitioners are earlier married.

Learned counsel for the petitioners submits that petitioners are in a live-in relationship against the wishes of respondent No. 4 & 5, and have sought protection to their life and liberty. It is submitted that petitioner No. 1-Nisha Kumari, is aged about 19 years & 6 months and petitioner No. 2 – Vishesh, is aged about 20 years 3 months and they apprehend danger at the hands of private respondents No.4 & 5, who will eliminate them if they intend to solemnize the marriage at relevant time.

In the context of threat perception at the hands of private respondents No.4 & 5, petitioners have allegedly moved representation dated 17.05.2023 (Annexure P-3) to Senior Superintendent of Police, SAS Nagar (Mohali) (respondent No.2), wherein, all the apprehensions qua their lives

and liberty has been expressed.

Notice of motion to respondents No.1 to 3.

On advance notice, Mr. JS Arora, DAG, Punjab, puts in appearance on behalf of respondents No.1 to 3.

Since petitioners have not contracted any marriage and seek only protection qua their lives and personal liberty, and for the same already representation dated 17.05.2023 (Annexure P-3) is pending, it would be appropriate to direct respondent No.2 to have a fair look to the said representation, on the grievance of the petitioners in order to ascertain veracity of allegations made by them.

Respondent No.2 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. If the innocence of the petitioners are established, then respondent No.2 shall proceed to take appropriate action in order to protect lives and personal liberty of the petitioners from being invaded by private respondents No.4 & 5.

The aforesaid order is being passed at this stage without meaning anything on the status of the parties on the basis of live-in relationship and age of petitioners. Respondent No.2 would consider and pass necessary order without being influenced by any statement of fact recorded hereinabove.

Petition stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

May 24, 2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No