

CRWP-5017-2023 :1: 2023:PHHC:075781

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5017-2023
Date of Decision: 24.05.2023

Suneha and another

... Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioners.

RITU TAGORE, J.(Oral)

Present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing respondents No.1 to 3 to protect life and liberty of the petitioners at the hands of respondents No.4 and 5.

2. It is alleged that petitioner No.1 is major and her date of birth is 22.02.2004 and petitioner No.2 is 17 years and 09 months and his date of birth is 08.08.2005. Copies of Aadhar card of both the petitioners are attached as Annexure P-1 and P-2. It is further averred that both the petitioners got married on 15.05.2023 at Shri Durga Mandir (Geeta Bhawan) Ram Bara Bazar, Sri Muktsar Sahib against the wishes of respondents No.4 and 5 who are related to petitioner No.1. Photocopy of marriage certificate dated 15.05.2023 is attached as Annexure P-3. This is their first marriage.

3. Counsel for the petitioners submits that aforesaid private

respondents No.4 and 5 have threatened to cause harm to both the petitioners and in this regard, a representation dated 15.05.2023 (Annexure P-4) has been given to Senior Superintendent of Police, Fazilka but till date no action has been taken by the concerned authority in this regard.

4. Notice of motion.

5. Mr. J. P. Ratra, Senior DAG, Punjab accepts notice on behalf of State of Punjab. He submits that per the pleadings of the petitioners, an FIR No.10 dated 20.01.2023 under Section 365, 342, 376 (2) (n), 323 and 34 IPC at Police Station City Muktsar Sahib, District Sri Muktsar Sahib has been registered against petitioner No.2 and his family members. However, submits that the concerned authority will look into the matter and take decision on the representation of the petitioners in accordance with law.

6. In view of above, without going into the merits of the case, this petition is hereby disposed of with direction to respondent No.2 Senior Superintendent of Police, Fazilka to consider representation dated 15.05.2023 (Annexure P-4) and to take action if so warranted in accordance with law.

7. However, any observations made in this order will not be construed as an expression of opinion on the veracity of the statement made by the parties or on the validity of the marriage. This order shall have no affect on civil/criminal proceedings, if any, pending/instituted against them including FIR No.10 dated 20.01.2023 under Section 365, 342, 376 (2) (n), 323 and 34 IPC at

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Police Station City Muktsar Sahib, District Sri Muktsar Sahib.

8. It is further made clear that if the petitioners are otherwise found to be involved in any other case, in such an eventuality, this order shall not preclude the competent authority from taking appropriate action against the petitioners, that law permits.

(RITU TAGORE)
JUDGE

24.05.2023
Manpreet/Rimpal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No