

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRWP-5388-2023 (O&M)

Decided on :31.05.2023

Rina and another

. . . Petitioner(s)

Versus

U.T. Chandigarh and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Nitish Sharma, Advocate for the petitioners.

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 respondents No. 2 and 3 to provide protection of lives and liberty of the petitioners, who have married against the wishes of private respondents.

2. Learned counsel for petitioners submits that petitioner No.1- Rina, aged about 32 years and petitioner No.2- Kumar Shanu, aged about 27 years, have got married on 24.05.2023 against the wishes of their family members, arrayed as respondents No. 4 to 14.

3. Counsel for the petitioners submits that petitioner No. 1-Rina, is a widow lady having no child and petitioner No. 2 was unmarried prior to the marriage with petitioner No. 1. Relevant paragraph No. 9 of the present petition says as under:

“9. That the petitioner No. 1 was a widow lady before the solemnization of the present marriage. This is the first marriage of the petitioner No. 2 and the petitioner No. 1 is married before this marriage and her husband has expired and since then she is living alone. There is no child from the first marriage. ”

4. It is noticed by the Court that petitioner No. 1-Rina and private respondents No. 4 to 9 are the residents of Post Pak Bada Mangu Pura, Moradabad, Uttar Pradesh.

Upon this, counsel states that petitioner No. 1-Rina is working as a teacher in some private school in the State of U.P. and petitioner No. 2-Kumar Shanu is an Engineer and working in the area of U.T. Chandigarh. After performing of the marriage on 24.05.2023, both the petitioners are staying together at House No. 355/2, Village Khuda Lahora, Chandigarh.

5. It has been further submitted that private respondents are threatening to interfere in the matrimonial life of petitioners. Hence, petitioners are seeking protection in that regard and have approached this Court by way of filing the instant petition. They have also submitted a representation dated 24.05.2023 (Annexure P- 4), to respondent No.2 – Senior Superintendent of Police, U. T. Chandigarh, wherein, they have expressed their apprehension.

6. Notice of motion.

7. On advance notice, Ms. Roopse Sharma, Advocate for Mr. Anil Kumar Lambardharia, A, P.P. U.T., Chandigarh, who is present in the Court, accepts notice on behalf of respondents Nos.1 to 3 (State). She submits that upon the verification done by U.T. Police, it is found that both the petitioners are residing together at House No. 355/2, Village Khuda Lahora, Chandigarh.

8. In view of the above, present petition is disposed of with a direction to respondent No.2–Senior Superintendent of Police,U.T. Chandigarh, to look into the representation dated 24.05.2023 (Annexure P- 4), *qua* threat perception and if any substance of truth is found in it, take necessary

steps, in accordance with law, to ensure that lives and liberty of the petitioners, is not jeopardized at the hands of the private respondents.

9. 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.

10. Disposed of.

(SANJAY VASHISTH)
JUDGE

31.05.2023

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*