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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-9973-2023 (O&M)
Date of decision : 09.10.2023

Khusbhu & Anr. ... Petitioner(s)

Versus

State of Haryana & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravinder Phagat, Advocate for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The prayer in the present petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of *mandamus* directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners and to restrain the private respondent Nos.5 and 6 from harassing them.
2. Learned counsel for the petitioners would contend that in the present case petitioner No.1 is aged 18 years and petitioner No.2 is aged 19 years. Both the petitioners are major and known to each other since a long time and wanted to marry as and when they attained the marriageable age. Learned counsel would further contend that the petitioners are stated to be receiving serious threats and apprehend grave danger to their life and liberty

and in this regard a representation dated 29.09.2023 (Annexure P-9) has been given to the Superintendent of Police, Charkhi Dadri - respondent No.2 - for providing adequate security. However, no action has been taken till date. The counsel for the petitioners would further contend that he limits his prayer in the present petition and would be satisfied at this stage if directions are issued for deciding the said representation in accordance with law.

3. Notice of motion.

4. On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG Haryana accepts notice on behalf of respondent Nos.1 to 4-State. Since the matter is not being decided on merits, the service on other respondents is dispensed with.

5. Heard learned counsel for the parties.

6. In the present case though the issue in hand is not with regard to the validity of the marriage but the fact is that the petitioners who want to marry as and when they attain the marriageable age are seeking protection of life and liberty as envisaged under Article 21 of the Constitution of India. Article 21 of the Constitution of India provides for protection of life and personal liberty and further lays down that no person shall be deprived of his life and personal liberty except as per the procedure established by law. In the present case, no doubt petitioner No.2 is not of marriageable age as envisaged under Section 5(iii) of the Hindu Marriage Act, 1955, however, this Court cannot shut its eyes to the fact that the apprehension of the petitioners needs to be addressed. Merely because petitioner No.2 is not of

marriageable age, he cannot be possibly deprived of his fundamental rights as envisaged in the Constitution of India.

7. In view of the above and without expressing any opinion with regard to the veracity of the contents of the petition and the submissions made by learned counsel for the petitioners, the present petition is disposed off with a direction to the Superintendent of Police, Charkhi Dadri - respondent No.2 - to decide the representation dated 29.09.2023 (Annexure P-9) expeditiously and take necessary action, if required on the same, in accordance with law.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

09.10.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO