

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRWP-9935-2023 (O&M)
Date of decision: 07.10.2023

Vivek and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Vishneet Singh Kathpal, Advocate for the petitioners.

VIKAS SURI, J. (Oral)

[1] This is a petition under Article 226 of the Constitution of India seeking direction to respondent Nos.2 and 3 for grant of protection to the life and liberty of the petitioners, who claim themselves to be major.

[2] It is pleaded that the petitioners have married with each other on 04.10.2023 against the wishes of parents of petitioner No.2. This action of the petitioners is not to the liking of private respondents and thus, they are threatening them with dire consequences. They are under the apprehension of threat to their life and liberty at the hands of respondent Nos.4 to 8. The petitioners have submitted a representation dated 04.10.2023 (Annexure P-5) to the Senior Superintendent of Police, Fazilka-respondent No.2 seeking protection to their life and liberty, but to no avail.

[3] In the above circumstances, seeking protection of their life and liberty, the petitioners have approached this Court by way of the present petition.

[4] A perusal of the record would go to show that the representation dated 04.10.2023 (Annexure P-5) was sent through courier on 05.10.2023 (11.15 AM). The present petition was drafted on 05.10.2023, which is supported by respective affidavits of the petitioners attested on 05.10.2023 at Chandigarh. The instant petition was instituted on the same day i.e. 05.10.2023 at 11:51 A.M. At the time of institution of petition, the said representation would have apparently been in the hands of the courier booking agent. The present petition is *prima facie* premature, as the petitioners have approached this Court in a pre-determined manner and even without waiting for their alleged representation to reach the concerned quarter.

[5] Faced with the above, learned counsel for the petitioners prays for liberty to pursue the representation and states that the petitioners would be satisfied if a direction is issued for expeditious disposal of the said representation, at this stage. It is also submitted that till today, no action has been taken on the said representation.

[6] Notice of motion to respondent Nos.1 to 3 only at this stage.

[7] Mr. Amish Sharma, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3-State and waives service.

[8] Heard learned counsel for the parties.

[9] Without expressing any opinion on the merits of the matter and in particular the legality of the alleged marriage, the present petition

is disposed of with a direction to the Senior Superintendent of Police, Fazilka-respondent No.2, to consider the aforesaid representation dated 04.10.2023 (Annexure P-5) made on behalf of the petitioners and in case there is any threat perception to them from the side of private respondents, to act in accordance with law and if need be, to provide them interim protection.

[10] It is made clear that this order shall not be taken to validate the alleged marriage or protect the petitioners from legal action for violation of law, if any, committed by them.

October 07, 2023
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(VIKAS SURI)
JUDGE

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