

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

118

CRWP-10578-2023**Date of decision: 27.10.2023**

Madhu Sambyal and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN*********

Present : Mr. Shubham Rana, Advocate for the petitioners

***********HARPREET KAUR JEEWAN. J. (ORAL)**

1. The prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of direction to respondent Nos. 2 and 3 to protect the life and liberty of the petitioners from the hands of private respondents No. 4 and 5, who have married against the wishes of private respondents.

2. The learned counsel for the petitioners submits that petitioner No.1- Madhu Sambyal, aged about 43 years and petitioner No.2- Abhishek Singh, aged about 30 years have got married on 23.10.2023 according to Hindu rites and ceremonies against the wishes of respondent Nos. 4 and 5 who are the parents of petitioner No. 2. The marriage certificate is annexed as Annexure P-3.

3. The learned counsel for the petitioners further submitted that petitioners have developed understanding with each other for the past some time. They have tried their level best to convince their family members including

respondents No. 4 and 5 but they were against this marriage and now they are apprehending threat from the hands of respondent Nos. 4 and 5. On 23.10.2023, the petitioners feeling imminent danger to their life and liberty approached respondent No.2- Senior Superintendent of Police, District Hoshiarpur and made a written representation dated 23.10.2023 (Annexure P-6) but till date no police protection has been provided to the petitioners and they are facing constant threat from the private respondents Nos. 4 and 5.

4. Notice of motion.

5. On the asking of the Court, Mr. Vishnav Gandhi, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent Nos. 1 to 3.

6. In support of petitioners being major they have filed the photocopies of their Aadhar Cards and an affidavit in support of the averments made in the petition wherein petitioner No.1 has alleged her date of birth as 24.05.1980 and petitioner No. 2 has alleged his date of birth as 18.12.1993. Apart from this, copy of the marriage certificate and the representation given to the respondent No. 2- Senior Superintendent of Police, Hoshiarpur has also been placed on record.

7. In view of this, the present petition is disposed of with a direction to respondent No. 2- Senior Superintendent of Police, Hoshiarpur to look into the representation dated 23.10.2023 qua threat perception and if there is any substance in it, take necessary steps, in accordance with law, to ensure that lives and liberty of petitioners is not jeopardized at the hands of the private respondents.

8. 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.

9. Further, it is made clear that if any of the averments made in the petition is found to be incorrect, specifically with regard to age of the petitioners or the petitioners being in any prohibited relationship to each other, or as regards their previous marital status, this order shall not be construed to be a bar on proceedings to be initiated as per law.

27.10.2023
Mehak

(HARPREET KAUR JEEWAN)
JUDGE

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