

CRWP-10546-2023

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**IN THE HIGH COURT OF PUNJAB AND Punjab
AT CHANDIGARH**

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Decided on : 26.10.2023

Nandita Kharwar and another

. . . Petitioner(s)

Versus

The State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amandeep Singh Gulati, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of filing this petition, petitioners seek necessary protection of their lives and personal liberty in view of the fact that they have not solemnized their marriage so far and are living in a live-in relationship, as petitioner No.2 is not of marriageable age, and are under imminent threat at the hands of respondents No.4 & 5.

2. Learned counsel for the petitioners submits that petitioners are in a live-in relationship against the wishes of respondent No. 4 & 5, and have sought protection to their life and liberty. It is submitted that petitioner No. 1 – Nandita Kharwar, is aged 18 years & 08 months and petitioner No. 2 – Jagdeesh, is aged about 19 years & 11 months, and they apprehend danger at the hands of private respondents No.4 & 5, who will eliminate them, if they intend to solemnize the marriage at relevant time.

3. In the context of threat perception at the hands of private respondents No.4 & 5, petitioners have allegedly moved representation dated 23.10.2023 (Annexure P-3), to the Sr. Superintendent of Police, SAS Nagar, Mohali (respondent No.2), wherein, all the apprehensions *qua* their lives and liberty has been expressed.

4. Notice of motion to respondents No.1 to 3.

5. On advance notice, Mr. C.L. Pawar, Addl. AG, Punjab, puts in appearance on behalf of respondents No.1 to 3 (State).

6. Since, petitioners have not contracted any marriage and seek

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only protection qua their lives and personal liberty, and for the same representation dated 23.10.2023 (Annexure P-3) is already pending, it would be appropriate to direct respondent No. 2 to have a fair look to the said representation, on the grievance of the petitioners in order to ascertain veracity of allegations made by them.

7. Respondent No.2 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. If the innocence of the petitioners is established, then respondent No.2 shall proceed to take appropriate action in order to protect lives and personal liberty of the petitioners from being invaded by private respondents No.4 & 5.

8. The aforesaid order is being passed at this stage without meaning anything on the status of the parties on the basis of live-in relationship and age of petitioners. Respondent No.2 would consider and pass necessary order without being influenced by any statement of fact recorded hereinabove.

Petition stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

October 26, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No