

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRWP-10943-2023

Date of Decision : November 09, 2023

ARTI DEVI AND ANOTHER

-Petitioners

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vaibhav Sharma, Advocate
for the petitioners.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as filed under Article 226 of the Constitution of India, the petitioners have sought issuance of directions upon the official respondents No.2 and 3, to ensure protection of their lives and liberty at the hands of respondents No.4 to 6 and also to restrain the said respondents from harassing the petitioners or interfering in their peaceful married life.

2. It is averred in the petition that earlier the petitioner No.1 was married, however, she has obtained divorce from her previous husband. Out of said wedlock, the petitioner No.1 has two children, out of whom, one child is living with the petitioners, while another child is living with the previous husband of petitioner No.1. The petitioner No.2 is averred, in the petition, to be unmarried before solemnizing marriage with the petitioner No.1.

3. It is further averred in the petition that the marriage of the petitioners has caused grievance to the respondents no.4 to 6. Such

grievance of the respondents No.4 to 6 has made the petitioners apprehensive of danger to their lives and liberty and resultantly, it has constrained them to approach this Court, to seek protection of their lives and liberty. The marriage certificate, as also the photographs evidencing marriage of the petitioners, are available on record as Annexures P-3 and P-4. The petitioners have also submitted a representation dated 14.10.2023 (Annexure P-5) to the respondent no.2.

4. Notice of motion to the official respondent(s) only.

5. On the asking of the Court, Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of the official respondent(s).

6. Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, the instant petition is disposed of with a direction to respondent no.2-Senior Superintendent of Police, Hoshiarpur, to decide the representation (Annexure P-5) of the petitioners and grant them protection, if any threat to their lives and liberty is perceived. It is clarified that this order shall not be taken to grant immunity to the petitioners from legal action for violation of law, if any, committed by them. This order shall not be understood to have expressed any opinion whatsoever by this Court on the validity of the marriage of the petitioners.

7. Disposed of accordingly.

November 09, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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