

2024:PHHC:000021
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRWP-23-2024

Date of Decision: 03.01.2024

SURINDER KUMAR AND ANOTHER
Versus
STATE OF PUNJAB AND OTHERS

...Petitioners

...Respondents

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

Present:- Mr. Sarvesh Kumar Gupta, 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 respondents No. 1 to 3 to protect the life and liberty of the petitioners from the hands of private respondents No. 4 to 6 who have married against the wishes of private respondents.

[2] The learned counsel for the petitioners submits that petitioner No.1- Surinder Kumar aged about 31 years and petitioner No.2-Neha, aged about 20 years have got married on 01.01.2024 according to Hindu rites and ceremonies against the wishes of respondents No.4 to 6 who are the family members of petitioner No.2. The marriage certificate is annexed as Annexure P-3.

[3] The learned counsel for the petitioners further submitted that petitioners knew each other since long. They have tried their level best to convince their family members including respondents No.4 to 6 but they were against this marriage and now they are apprehending threat from the hands of respondents No.4 to 6. On 01.01.2024, the petitioners feeling imminent danger to their life and liberty approached respondent No.2- S.S.P. District Fazilka by way of written representation dated 01.01.2024 (Annexure P-5) but till date no police protection has been provided to the petitioners and they are facing constant threat from the private respondents No.4 to 6.

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[4] Notice of motion.

[5] On the asking of the Court, Ms. Himani Arora, AAG, 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-Surinder Kumar has alleged his date of birth as 01.01.1993 and petitioner No.2-Neha has alleged her date of birth as 16.01.2003. Apart from this, copy of the marriage certificate and the representation given to the respondent No.2-Senior Superintendent of Police, Fazilka 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, Fazilka to look into the representation dated 01.01.2024, 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.

(HARPREET KAUR JEEWAN)
JUDGE

03.01.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No