

2024:PHHC:170822



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRWP-7884-2024
Date of Decision- 14.08.2024

SNEHA AND ANOTHER
.....PETITIONER
VERSUS
STATE OF HARYANA AND ORS
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. B.S. Virk, Senior DAG, Haryana

Mr. Tajeshwar Sullar, Advoacte
for respondents no. 4 and 5.

SANDEEP MOUDGIL, J

1. Jurisdiction of this court has been invoked under Article 226/227 of Constitution of India for issuance of writ in the nature of Mandamus directing Respondents no.1 to 3 to protect the life and liberty of the petitioners from respondents no.4 and 5.
2. It is contended by the learned counsel for the petitioners that the petitioners are major being more than 18 years of age. Both the petitioners like and love each other and want to solemnize the marriage with each other and are for the present living together in ‘live-in-relationship’. But, respondents No.4 & 5 are interfering in their life and harassing them and are pressurizing the petitioner No.1 to leave the company of petitioner No.2 failing which petitioner No.2 will be

implicated in false case. The petitioners are unmarried and want to live together till they perform marriage and as such, have sent a representation to the Superintendent of Police, Kurukshetra, on 12.08.2024, through courier and email, which is at Annexure P-3.

3. At this stage, Mr.Tajeshwar Singh Sullar, Advocate, puts in appearance and filed his Vakalatnama on behalf of respondents No.4 & 5, which is taken on record, and he opposed the prayer made in this petition by contending that the petitioner No.2 is not of marriageable age as he has not completed the age of 21 years as yet, therefore, the present petition is liable to be dismissed.

4. Heard learned counsel for the parties and gone through the record.

5. Perusal of the case file reveals that the petitioners are living together in live-in-relationship and want to marry each other but respondents No.4 & 5 are interfering in their life and liberty. Needless to mention here that respondents No.4 & 5 are parents of petitioner No.1 – Sneha and they are opposing the relationship of petitioners and as such the petitioners need protection of their life and liberty by issuing a writ in the nature of mandamus. The petitioner No.1 has left her parental house on 07.08.2024 and visited the house of petitioner No.2 and is not ready to go back to join her parents. It is also averred in the petition that the petitioner No.2 is yet to attain the marriageable age and will marry petitioner No.1 thereafter.

6. Needless to mention here that it is own admission of the petitioner No.2 that he is yet to attain the marriageable age which means that he is not of the age of 21 years and as such, he is unable to marry petitioner No.1. That being so, his prayer to seek protection of life and liberty because he wants to marry petitioner No.1 is at a pre-mature juncture. Therefore, this Court does not find it a

proper stage to accept the prayer of petitioner No.2 and accordingly, reject the same.

7. Consequently, this court does not find any ground in the entire petition which may help them from for pretection of their life and liberty at this stage.

8. Present petition fails and is hereby ordered to be dismissed.

14.08.2024
Meenu

(SANDEEP MOUDGIL)
JUDGE

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