



CRWP-10123-2024

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

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Date of decision: 21.10.2024

MOHAMMAD ASIF YATOO AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Mazlish Khan, Advocate for the petitioners.

KIRTI SINGH, J.(Oral)

This petition has been filed for seeking a direction to the official respondents to protect the life and liberty of the petitioners from the hands of private respondents (arrayed in the petition) as they have solemnized marriage against the wishes of the family members.

2. Learned counsel for the petitioners submits that the petitioners are major and have performed nikah, against the wishes of respondent Nos.4 to 7, on 14.10.2024 and they apprehend danger at the hands of private respondents. They have placed on record the nikahanama (Annexure P-1) and copy of the Aadhar cards (Annexures P-2 and P-3) to substantiate their claim. The petitioners have also submitted a representation dated 14.10.2024 (Annexure P-5) to respondent No.2 but till date no action thereon has been taken. He further submits that the petitioners will be satisfied if appropriate direction is given to respondent

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No.2 to consider and dispose of the aforesaid representation dated 14.10.2024 (Annexure P-5) in accordance with law in an expeditious manner.

3. Notice of motion to the official respondents only.

4. Mr. Vinay Kumar, DAG, Punjab who is present in Court, accepts notice on behalf of the official respondents and submits that the aforesaid representation will be disposed of in an expeditious manner in accordance with law. Learned counsel for the petitioners is directed to supply a copy of complete paper book to the counsel appearing for the State during the course of the day.

5. Considering the limited request made by learned counsel for the petitioners and keeping in view that the protection of life and liberty is a fundamental right emanating out of Article 21 of the Constitution of India and the scope of the present petition is only regarding protection of life and liberty of the petitioners, this Court is of the opinion that ends of justice would meet if an appropriate direction is issued to the competent authority to consider and decide the aforesaid representation expeditiously.

6. Accordingly, without commenting on the validity of the *Nikah* allegedly performed by the petitioners and entering upon an exercise to evaluate the evidentiary value of the documents placed on the record, the present petition is disposed of with a direction to respondent No.2- Senior Superintendent of Police, Mohali, to decide the representation of the petitioners (Annexure P-5) within a period of one

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week from the date of receipt of a certified copy of this order and grant them protection, if there is any threat to their life and liberty

7. However, it is made clear that this order may not be construed as expression of an opinion with regard to the age of the petitioners and on legality and validity of the marriage of the petitioners in any civil or criminal proceedings nor the petitioners would be entitled for any protection against their arrest or continuance of any criminal proceedings against them, if otherwise, found to be involved in commission of any cognizable offence(s).

(KIRTI SINGH)

JUDGE

21.10.2024

Kavita

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