



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-10724-2024

Date of Decision:- 08.11.2024

ASHI AND ANR

....Petitioners

Vs.

STATE OF U.T. CHD AND ORS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Suresh Kumar Dhiman, Advocate for the petitioner.

Mr. Shashank Bhandari, Addl. PP, UT, Chandigarh.

AMARJOT BHATTI, J.

1. Petitioners Ashi and Gaurav have filed present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ in the nature of mandamus directing respondent Nos.2 to 5 to protect life and liberty of petitioners from the hands of respondent Nos. 6 and 7, who are parents of petitioner No.1.

2. It is submitted that both petitioners are major. Date of birth of petitioner No.1 is 20.09.2006. Copy of her Aadhar card is Annexure P-1. Date of birth of petitioner No.2 is 15.02.1999. Copy of his Aadhar card is Annexure P-2. They had performed marriage on 13.10.2024. Copy of their marriage photographs and certificate are Annexures P-3 and P-4 respectively. Petitioners also moved representation to Superintendent of Police, Chandigarh, SHO, Police Station Maloya, Chandigarh, Superintendent of Police, SAS Nagar Mohali, District Mohali and SHO

Police Station, Phase-8, SAS Nagar Mohali, which is Annexure P-5. Petitioners had performed marriage without the consent and wishes of parents of petitioner No.1, from whom, petitioners are receiving threats.

3. Notice of motion to official respondents.

4. On asking of this Court, Mr. Shashank Bhandari, Addl. PP, UT, Chandigarh accepts notice on behalf of State. Complete copy of paperbook along with supporting documents is already supplied. He pointed out that as per instructions received by him from ASI Sukhdev No.2962, one police official was deputed to visit the given address of petitioners but they were not found there. He stated that appropriate steps will be taken in case petitioners appear in the police station.

5. Considering nature of litigation, no purpose would be served by serving notice to private respondents. Official respondents No.2 and 3 are taking appropriate action.

6. I have considered facts narrated in the petition, according to which both petitioners are major and they have performed marriage against the wishes of parents of petitioner No.1, as a result they are apprehending threats from the hands of respondent Nos.6 and 7. It is duty of police to protect life and liberty of petitioners. Therefore, respondent Nos.2 and 3 are directed to consider the representation of petitioners dated 13.10.2024 (Annexure P-5) and protect life and liberty of petitioners from the hands of respondent Nos.6 and 7, considering threat perception, with further direction to maintain their privacy and dignity. Since, petitioners were not found at the given address, therefore, petitioners are also directed to appear before respondent No.3 in case they have threat perception.

7. Aforesaid protection order will have no bearing on the legality

and validity of marriage and it will not protect them in case there is any

violation of law or pending legal proceedings.

8. Petition is accordingly disposed of.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

08.11.2024

snd

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No