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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-11488-2024 (O&M)

Date of Decision:- 02.12.2024

GAURI AND ANOTHER

....Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sherbaz Singh Brar, Advocate for petitioners.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

CRM-W-1524-2024

Learned counsel for applicants/petitioners filed an application for amendment of main petition for correction of date of birth of petitioner Nos.1 and 2.

For the reasons mentioned in the application, same is allowed and amended petition is taken on record.

Main petition

1. Petitioners Gauri and Manny have filed present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing official respondents to protect life and liberty of petitioners from the hands of respondent Nos. 4 and 5, who are mother and brother of petitioner No.1.

2. It is submitted that both petitioners are major. Date of birth of

petitioner No.1 is 25.08.2005. Copy of her Aadhar card is Annexure P-1. Date of birth of petitioner No.2 is 01.01.1994. Copy of his Aadhar card is Annexure P-2. They had performed marriage on 25.11.2024. Copy of their marriage certificate and photographs are Annexures P-3 and P-4. Petitioners also moved representation to Commissioner of Police, Jalandhar which is Annexure P-5. Petitioners had performed marriage without the consent and wishes of mother and brother of petitioner No.1, from whom, petitioners are receiving threats.

3. Notice of motion to official respondents.

4. On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of State. Complete copy of paperbook along with supporting documents is already supplied.

5. Considering nature of litigation, no purpose would be served by serving notice to private respondents.

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 mother and brother of petitioner No.1, as a result they are apprehending threats from the hands of respondent Nos.4 and 5. 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 25.11.2024 (Annexure P-5) and protect life and liberty of petitioners from the hands of respondent Nos.4 and 5, considering threat perception, with further direction to maintain their privacy and dignity.

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

02.12.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No