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(2020) 01 P&H CK 0258

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 954 Of 2020 (O&M)

Himanshu Jairath And Another — APPELLANT

Vs

State Of Punjab And Others — RESPONDENT

Date of Decision : 29-01-2020

Acts Referred:

Citation : (2020) 01 P&H CK 0258

Hon'ble Judges : Raj Mohan Singh, J

Bench : Single Bench

Advocate : Manpreet Singh Dua

Final Decision : Disposed Of

Judgement

Raj Mohan Singh, J

1. In this petition, petitioners have prayed for issuance of necessary directions to the official respondents to protect their lives and personal liberties from being invaded by the private respondents. Petitioners claimed themselves to be major and have contracted marriage on 23.01.2020 according to their own sweet will, but against the wishes of their family members. Marriage certificate (Annexure P-3) and photographs of marriage (Annexure P-4) are sought to be pressed into service in order to project validity of marriage.

2. In the context of threat perception at the hands of private respondents, petitioners have prayed for necessary directions for safeguarding their personal civil and legal rights.

3. In the aforesaid context, petitioners have allegedly moved representation dated 24.01.2020 (Annexure P-5) to the Senior Superintendent of Police, District Kapurthala.

4. Notice of motion to respondents No. 1 to 3.

5. On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab accepts

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notice on behalf of State-respondents No. 1 to 3.

6. At this juncture, this Court is not in a position to comment upon the validity of marriage and majority of the petitioners in terms of their respective ages, however, respondent No. 2 can be asked to have a fair look on the grievance of the petitioners in order to ascertain veracity of allegations made by the petitioners.

7. Respondent No. 2 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. In case respondent No. 2 finds that there is some truth in the allegations of the petitioners, then he/she shall proceed to take appropriate action in accordance with law.

8. The aforesaid order is being passed at this stage without meaning anything on the merits of the case. Respondent No. 2 would pass necessary order without being influenced by any observation made by the Court in terms of pleadings at this stage. This order shall not debar the official respondents from proceeding against any of the party in accordance with law in case they are involved in some other case. It would be appreciated if the representation filed by the petitioners is decided within a period of one month from today keeping in view the threat perception shown by the petitioners.

9. Petition stands disposed of accordingly.

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