
(2023) 06 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 5628 Of 2023

Jaspreet Kaur And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 08-06-2023

Acts Referred:

Citation : (2023) 06 P&H CK 0024

Hon'ble Judges : Gurbir Singh, J

Bench : Single Bench

Advocate : Vishal Singh

Final Decision : Disposed Of

Judgement

Gurbir Singh, J

The petitioners seek a writ in the nature of mandamus directing respondent Nos. 1 to 3 to protect their life and liberty at the hands of respondents No.4 to 16, with a further prayer to take appropriate legal action on representation dated 31.05.2023 (Annexure P-4).

It is stated that petitioner No.1 is major as the date of birth of petitioner No. 1 is 11.04.2005. The petitioner No.2 is minor as the date of birth is 27.12.2006 and he is less than 18 years.

The petitioners have decided to live together in live-in-relationship and also decided to solemnize marriage as and when petitioner No.2 will attain the age of marriage i.e. 21 years however presently age of petitioner No.2 is less than 18 years.

The private respondent Nos. 4 to 16 are against the relationship of petitioners and harassing the petitioners and threatened the petitioners to face the dire consequences however the parents of the petitioner No.2 does not have any objection of this relation and also for their marriage.

The learned counsel for the petitioners has also submitted that a marriage is not a must for providing security to a couple in a 'live-in relationship' because protection qua life and liberty is sacrosanct and stands at the highest pedestal. He has also placed reliance upon orders passed by the co-ordinate Bench of this Court in 'Sarabjeet Kaur and another versus State of Punjab and others' in CRWP-102-2022 decided on 07.01.2022 and 'Goutam Kumar and another versus State of Punjab and others' in CRWP-8088-2021 decided on 26.08.2021.

Notice of motion to respondents No. 1 to 3.

On asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, appears and accepts notice on behalf of the official respondents No.1 to 3. Since no order prejudicial to the interest of the parties is being passed, therefore, there is no necessity of inviting any response.

At this stage, without expressing any opinion on the merits of the case, as well as on the age and nature of the relationship between the petitioner No.1 and petitioner No.2, I deem it appropriate to direct respondent No. 2- Superintendent of Police Patiala, District Patiala, to look into the matter and pass an appropriate order in the representation allegedly filed by the petitioners before him on 31.05.2023. It would be appreciated if necessary orders are passed within one month from the date of receipt of copy of this order. Till then, protect the life and liberty of the petitioners.

However, if the petitioners is found to have been involved in any other case then this order shall not preclude the competent authority from taking lawful action against the petitioners.

Disposed of.