

(2023) 01 P&H CK 0006

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 12330 Of 2022

?Susta And Another

APPELLANT

Vs

UT Chandigarh And Others

RESPONDENT

Date of Decision : 02-01-2023

Acts Referred:

Constitution Of India, 1950 — Article 21, 226

Citation : (2023) 01 P&H CK 0006

Hon'ble Judges : Nidhi Gupta, J

Bench : Single Bench

Advocate : Vishal Mittal

Final Decision : Disposed Of

Judgement

Nidhi Gupta, J

Prayer in the instant petition filed under Article 226 of the Constitution of India is for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioners, who have married against the wishes of private respondents i.e. respondents No.4 and 5.

Petitioner No.1-Susta is stated to be born on 15.01.2001 and for this purpose, reference has been made to Aadhar Card (Annexure P-1). Petitioner No.2-Pawan is stated to be born in 2001 and for the said purpose, reference has been made to Aadhar Card (Annexure P-2). The petitioners have solemnized Marriage on 26.12.2022 A copy of the Marriage Certificate of the petitioners is annexed to the petition as Annexure P-3. It is stated to be first marriage of the petitioners.

Notice of motion.

Ms. Vasundhara Dalal Anand, APP, UT Chandigarh appears and accepts notice on behalf of respondents No. 1 to 3 and has stated that she has no objection in case respondent no.2-Senior Superintendent of Police, UT Chandigarh is directed to look into the representation of the petitioners on the aspect of threat perception

and to take appropriate action, in accordance with law.

This Court has heard learned counsel for the parties.

It goes without saying that the protection of life and liberty is a basic feature of the Constitution of India as emanating out of Article 21. Every person, more so, a major, has right to live his/her life with a person of his/her choice. Whenever this Court, prima-facie, is satisfied that on account of some relatives/persons being unhappy with the relationship between the petitioners could cause harm to the life and liberty of the petitioners, then in such circumstances, the Courts are required to pass necessary directions for their protection

Keeping in view the abovesaid facts and circumstances, this Court deems it appropriate to dispose of the present petition with a direction to respondent no 2 to consider the representation dated 26.12.2022 (Annexure P-4) and to assess the threat perception to the petitioners and after considering the same, respondent No. 2 shall take appropriate action in accordance with law

Accordingly, the petition stands disposed of with abovesaid directions.