IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-17245 of 2015
Date of Decision: 25.5.2015

Sheela Devi and another

....Petitioners.

Vs.

State of Haryana and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Neetu Singh Aashat, Advocate
for the petitioners.

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RAMESHWAR SINGH MALIK J. (ORAL)

Both the petitioners are present in the Court and identified by their counsel.

Learned counsel for the petitioners submits that both the petitioners are major and they have married each other of their own free will but against the wishes of private respondents No.4 to 6 However, there is no definite proof of age of petitioner No.1 available on the record, except her own affidavit Annexure P-1. Learned counsel for the petitioners further submits that apprehending danger to their life and liberty at the hands of private respondents No.4 to 6, the petitioners moved a representation dated 20.5.2015 (Annexure P-5), before the Superintendent of Police, Fatehabad-respondent No.2 but no action thereon has been taken so far.

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In view of the non-availability of even a prima facie proof of the age of petitioner No.1, petitioners are directed to appear before the Superintendent of Police, Fatehabad-respondent No.2, who shall get the age of petitioner No.1 verified and thereafter, consider the threat perception raised by the petitioners, vide their representation dated 20.5.2015 (Annexure P-5), dispassionately and expeditiously, passing an appropriate order, as warranted by law, so as to ensure that no harm is caused to the life and liberty of the petitioners at the hands of respondent No. 4 to 6.

The Superintendent of Police, Fatehabad-respondent No.2 shall also be at liberty to pass the order granting protection to the petitioners even during the pendency of the enquiry regarding the verification of age of petitioner No.1, in case he feels satisfied that petitioners are facing imminent danger to their life and liberty at the hands of private respondents.

However, lest this order is misunderstood, it is clarified that this order shall not mean that the petitioners had reached the age of marriage, as required by the law applicable to them, at the time of their marriage or that their marriage is legal as per the relevant provisions of law. It is so said because neither it is the issue involved in the present petition nor this Court is putting its seal of approval on the validity of marriage of the petitioners. In fact, it is the domain of the matrimonial Court of competent jurisdiction, to decide the validity of the marriage and that too on the basis of the pleadings taken and the evidence led by the parties in the given circumstances of each case.

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It is also made clear that this order shall not entitle the petitioners for any protection against their arrest or continuance of any criminal proceedings, if they are found involved in the commission of any cognizable offence. In case the petitioners had committed any offence, the law will take its own course.

With the observations made above, the present petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

25.5.2015
AK Sharma

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