

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-19491 of 2015
Date of Decision: 9.6.2015**

Manisha and another

--Petitioners.

Vs.

State of Haryana and others

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Jasbir Mor, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Both the petitioners are present in person in the Court and identified by their counsel. The petitioners seek protection to their life and liberty.

They have filed the instant petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') alleging that they being of marriageable age, got married with each other. The petitioners claim that their marriage is legal. The private respondents are not accepting the marriage of the petitioners alleging it to be against the social norms. The petitioners tried to persuade their parents and relatives but remained unsuccessful in their endeavour. The private respondents, it is alleged, are hell-bent to separate the petitioners from each other by resorting to illegal

means. Thus, it has been pleaded that the petitioners are apprehending imminent danger to their life and liberty from the private respondents. Having been left with no other option, it has become the compulsive necessity for the petitioners to approach this Court.

Learned counsel for the petitioners contends that both the petitioners are major in terms of the documents appended as Annexures P-1 and P-2. They have married each other of their own free will. Photographs of the marriage are appended as Annexure P-4. He submits that before filing the present petition, petitioners could not approach the competent authority by moving an appropriate representation seeking protection to their life and liberty at the hands of private respondents. He further submits that given an opportunity, petitioners shall approach the competent authority by moving an appropriate representation and he may be directed to consider and decide the same, at an early date.

Having heard the learned counsel for the petitioners and without expressing any opinion on the validity of the marriage of the petitioners, the competent authority, whosoever it may be, is directed that if the petitioners approach him by moving an appropriate representation, he shall consider and decide the same at an early date, by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of one week from the date of receipt of the representation from the petitioners.

The competent authority is also directed to ensure that no harm is caused to the petitioners 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.

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

9.6.2015
Mks/AK Sharma