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

CRM-M No.4 of 2015

Date of Decision: 02.01.2015

Jaibhagwan and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dalbir Singh, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners have filed this petition under Section 482 Cr.P.C of Code of Criminal Procedure seeking issuance of directions to respondents No.1 to 3 not to entertain any false and frivolous case against the petitioners as both of them have performed marriage on 30.12.2014 without the consent of respondent No.4.

As per record, petitioner No.1 is stated to be 19 years of age, whereas petitioner No.2 is proved to be about 17 years of age. Apparently petitioner No.2 is minor at the time of alleged marriage and her marriage shall be voidable.

This Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C would not be in a position to go into the validity of marriage or otherwise but fundamental right to life and liberty being sacrosanct has to be treated at a higher pedestal.

Let notice of motion be issued to respondents No.2 & 3 at this stage.

On our asking Mr. Dhruv Dayal, DAG Haryana, accepts notice on

behalf of official respondents No.1 to 3. Let three copies of paper book be handed over to learned State counsel during the course of the day, failing which this petition would be deemed to have been dismissed without any further reference.

In view of nature of order which this Court proposes to pass, there is no necessity of seeking reply from the official respondents or to serve the private respondent at this stage as no order prejudicial to their interest is being passed.

I have heard learned counsel for both the parties.

Without forming any specific opinion with regard to solemnisation of a valid marriage between the parties, this Court deem it just and expedient to issue direction to respondent No.2 to look into the grievance of the petitioners in terms of protection of their life and liberty in accordance with law and if required provide them adequate security. Any observation herein may not be construed as an opinion in the context of validity of marriage in question or otherwise. The parties are at liberty to satisfy their claim in an appropriate forum but as on date, in absence of such validation, the official respondents are obligated to protect their life and liberty and ensure that no harm is caused to the petitioners. The respondent shall take all remedial actions after verifying the antecedents of the petitioners.

Petition is disposed of accordingly.

02.01.2015

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(RAJ MOHAN SINGH)
JUDGE