

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-9316-2015
Date of decision:20.03.2015

Kamaljit Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms. G.K.Gill, Advocate for the petitioners.

Mr.Kapil Khanna, Advocate for respondent-Gurdeep Singh.

RAMESHWAR SINGH MALIK, J. (Oral)

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

Learned counsel for the petitioners submits that the petitioners have married with each other of their own free will but against the wishes of private respondents. However, in the absence of any supporting document, it cannot be said that Annexure P-1 is the birth certificate of petitioner No.2. He further submits that apprehending danger to their life and liberty at the hands of private respondents, the petitioners approached the Senior Superintendent of Police, Jagraon-respondent No.2 vide representation dated 15.3.2015, Annexure P-4, but the same is also pending decision.

In view of the non-availability of definite proof of age of petitioner No.2, the petitioners are directed to appear before the Senior Superintendent of Police, Jagraon-respondent No.2, who shall get the age of petitioner No.2 verified and thereafter shall consider the threat perception raised by the petitioners vide representation dated 15.3.2015 (Annexure P-4) dispassionately and expeditiously, passing an appropriate order thereon, 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 the private respondents.

Respondent No.2 shall be at liberty to grant protection to the

petitioners even during the pendency of the enquiry regarding age of petitioner No.2 if he comes to the conclusion that there is imminent danger to the life and liberty of the petitioners at the hands of the 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 above-said observations made and directions issued, the instant petition stands disposed of.

20.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE